

NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by first submitting to the Secretary of State's Office a Notice of Rulemaking Docket Opening followed by a Notice of Proposed Rulemaking that contains the preamble and the full text of the rules. The Secretary of State's Office publishes each Notice in the next available issue of the *Register* according to the schedule of deadlines for *Register* publication. Under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for making, amending, or repealing any rule. (A.R.S. §§ 41-1013 and 41-1022)

NOTICE OF PROPOSED RULEMAKING

TITLE 3. AGRICULTURE

CHAPTER 2. DEPARTMENT OF AGRICULTURE ANIMAL SERVICES DIVISION

[R07-375]

PREAMBLE

1. Sections Affected

R3-2-101
R3-2-601
R3-2-606
R3-2-612
R3-2-614
R3-2-616
R3-2-617
R3-2-618
R3-2-620
R3-2-621

Rulemaking Action

Amend
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2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statute: A.R.S. § 3-107(A)(1)

Implementing statute: A.R.S. §§ 3-1203, 3-1204

3. A list of all previous notices appearing in the *Register* addressing the proposed rule:

Notice of Rulemaking Docket Opening: 13 A.A.R. 3958, November 16, 2007 (*in this issue*)

4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Carlos Ramírez, Rules Analyst

Address: Department of Agriculture
1688 W. Adams
Phoenix, AZ 85007

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5. An explanation of the rule, including the agency's reasons for initiating the rules:

The Department of Agriculture proposes to amend its rules relating to health requirements governing admission of animals into the state following a five-year review. Under this rulemaking, the Department will update citations to materials that are incorporated by reference, correct or amend references to diseases or other rules, and otherwise bring the rules into compliance with current APA standards. The Department will also amend R3-2-606(A)(4)(a)(i) to require that the official eartag for dairy cattle also include information that identifies the herd from which the cattle was born. The Department will also amend R3-2-612(C)(6) to remove brucellosis quarantine exemptions for native ranch cattle imported from an adjacent Class A State, because no state bordering Arizona is Class A. Finally, the Department will amend R3-2-617 to require a health certificate or Form 9-3 from the National Poultry Improvement Program before allowing poultry animals entry into the state. Although this is a substantive change from the existing

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rule, the proposed rulemaking is intended to codify an existing voluntary inspection program in which many poultry importers are already participating.

6. A reference to any study that the agency proposes to rely on in its evaluation of or justification for the proposed rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:

None

7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

8. The summary of the economic, small business, and consumer impact:

The proposed rulemaking will substantively affect both the Department of Agriculture, businesses, and individuals who import poultry. The proposed rulemaking will create minimal costs for the Department measured in additional employee hours spent enforcing the additional requirements and processing additional forms. A cost will be created for poultry importers who will have to submit either a health certificate or Form 9-3 to indicate poultry shipments are free of diseases or other detrimental conditions. However, both entities are prepared to meet these costs as a result of a voluntary participation program instituted by the Department. Both parties will also benefit by securing economic interests and ensuring the well being of the state's poultry resources and poultry consumers. Dairy cattle importers will also be required to produce information on the cattle's herd of birth before importation. However, the Department does not believe the proposed rulemaking will significantly affect businesses or state revenues. Proposed amendments to bring the rules into compliance with APA requirements will not result in any significant costs. The Department has determined there are no alternative means to achieve the objectives of the proposed rulemaking and holds that the benefits of the rulemaking outweigh any costs.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

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10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rules, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rules:

An oral proceeding is not scheduled for these proposed rules. To request an oral proceeding or to submit comments, please contact the Rules Analyst listed in item 4 between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Arizona legal holidays. If a request for an oral proceeding is not made, the public record in this rulemaking will close at 4:30 p.m. 30 days after the notice is published in the *Arizona Administrative Register*.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None

12. Incorporations by reference and their location in the rules:

The current incorporated reference in R3-2-612(D) to 9 CFR 92.424 through 92.427, January 1, 1996, edition, and amended at 60 FR 13898, 13900, March 15, 1995, will be updated to instead refer to the January 1, 2007, edition. Reflexively, the reference to the incorporated materials in subsection (H)(1) will be updated as well. Subsection (I)(2) also refers to the January 1, 1996, edition of 9 CFR 73, Scabies in Cattle, which will also be amended to the 2007 edition.

The rule R3-2-614(A)(2) incorporates 9 CFR 79, dated August 21, 2001. This will also be amended to incorporate the January 1, 2007, edition.

R3-2-616 makes reference to incorporated materials in R3-2-408. Although the incorporated reference is accurate, the rule will be amended to refer to the rule that actually contains the reference. All incorporated by reference materials will be made available through the Department of Agriculture.

13. The full text of the rule follows:

TITLE 3. AGRICULTURE

CHAPTER 2. DEPARTMENT OF AGRICULTURE
ANIMAL SERVICES DIVISION

ARTICLE 1. GENERAL PROVISIONS

Section

R3-2-101. Definitions

ARTICLE 6. HEALTH REQUIREMENTS GOVERNING ADMISSION OF ANIMALS

Section

R3-2-601. Definitions

R3-2-606. Health Certificate

R3-2-612. Importation of Cattle and Bison

R3-2-614. Sheep and Goats

R3-2-616. Cats and Dogs

R3-2-617. Poultry

R3-2-618. Psittacine Birds

R3-2-620. Zoo Animals

R3-2-621. Non-restricted Live Wildlife Cervidae

ARTICLE 6. HEALTH REQUIREMENTS GOVERNING ADMISSION OF ANIMALS

R3-2-101. Definitions

In addition to the definitions provided in A.R.S. §§ 3-1201, 3-1451, and 3-1771, the following terms apply to this Chapter:

- 1- "Animal" means livestock, bison, dogs, cats, rabbits, rodents, game animals, furbearing and wildlife mammals, and poultry and other birds.
- 2- "APHIS" means the Animal and Plant Health Inspection Service of the United States Department of Agriculture.
- 3- "Breeding swine" means any swine having the potential to breed, and includes gilts, sows, and boars.
"Cervidae" means the family of cervids that includes, but is not limited to, deer, moose, elk, reindeer, and caribou.
"Dairy cattle" means cattle of dairy breeds or dairy types used for the production of milk or milk products for human consumption.
"Designated feedlot" means a confined drylot area under state quarantine that is approved and licensed by the State Veterinarian, contains a restricted feeding pen, and is maintained for finish feeding of cattle or bison that do not meet the brucellosis or tuberculosis import test requirements.
"Health certificate" means a legible record that is issued by a VS animal health official, state animal health official, or accredited veterinarian at the point of origin of a shipment of animals, conforms to the requirements of R3-2-606, and is written on a form approved by the chief animal health official of the state of origin or an equivalent form of the USDA attesting that the animal described has been inspected and found to meet the Arizona entry requirements.
"Permit number" or "permit" means a serialized number issued by the State Veterinarian's Office that conforms to the requirements of R3-2-607 and allows the regulated movement of certain animals into Arizona.
"USDA" means the United States Department of Agriculture.
- 4- "VS" means the Veterinary Services branch of APHIS.

R3-2-601. Definitions

The following terms apply to this Article:

- "Animal" means livestock, feral swine, ratite, bison, water buffalo, oxen, llama, and any exotic mammal not regulated as restricted live wildlife by the Arizona Game and Fish Department.
- ~~"Breeding swine" means any swine having the potential to breed, and includes gilts, sows, and boars.~~
- ~~"Cervidae" means the family of cervids that includes deer, moose, elk, reindeer, and caribou.~~
- ~~"Dairy cattle" means cattle of dairy breeds or dairy types used for the production of milk or milk products for human consumption.~~
- ~~"Designated feedlot" means a confined drylot area under state quarantine that is approved and licensed by the State Veterinarian, contains a restricted feeding pen, and is maintained for finish feeding of cattle or bison that do not meet the brucellosis or tuberculosis import test requirements.~~

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“Health certificate” means a legible record that is issued by a VS animal health official, state animal health official, or accredited veterinarian at the point of origin of a shipment of animals, conforms to the requirements of R3-2-606, and is written on a form approved by the chief animal health official of the state of origin or an equivalent form of the USDA attesting that the animal described has been inspected and found to meet the Arizona entry requirements.

“Certified copy” means a copy of an official health certificate that includes an additional original signature from the authorizing veterinarian.

“Macaque” means any monkey of the genus *Macaca* in the family *Ceropithecidae*.

“Official eartag” means an identification tag providing unique identification for individual animals. An official eartag that contains or displays an AIN with an 840 prefix must bear the US shield. The design, size, shape, color, and other characteristics of the official eartag will depend on the needs of the users, subject to the approval of the Administrator. The official eartag must be tamper-resistant and have a high retention rate in the animals. Official eartags must adhere to one of the following number systems:

National Uniform Eartagging System.

Animal identification number (AIN).

Premises-based number system. The premises-based number system combines an official premises identification number (PIN) with a producer’s livestock production numbering system to provide a unique identification number. The PIN and the production number must both appear on the official tag, or

Any other numbering system approved by the Administrator for the identification of animals in commerce.

“Permit number” or “permit” means a serialized number issued by the State Veterinarian’s Office that conforms to the requirements of R3-2-607 and allows the regulated movement of certain animals into Arizona.

“Specifically approved stockyard” means a stockyard specifically approved by VS and the State Veterinarian for receiving from other states cattle and bison that are not brucellosis-reactor, brucellosis-suspect, or brucellosis-exposed.

R3-2-606. Health Certificate

- A. A health certificate is valid for not more than 30 days after the date of issue, except where otherwise noted in this Article, and shall contain:
1. The name and address of the shipper and receiver;
 2. The origin of the animal;
 3. The animal’s final destination;
 4. Cattle.
 - a. The number of animals covered by the health certificate, and an accurate description and, except for steers, spayed heifers, or “F” branded heifers consigned to a designated feedlot identified by brand, one of the following individual identifications:
 - i. ~~The USDA metal official eartag number that, for dairy cattle, identifies the herd of birth, or~~
 - ii. ~~The registration tattoo number, or~~ the registration brand of a breed association recognized by VS.
 - iii. ~~The registration brand of a breed association recognized by VS;~~
 - b. The health status of the animals, including date and result of an inspection, dipping, test, or vaccination required by Arizona; and
 - c. The method of transportation;
 5. Swine.
 - a. Evidence that the swine have been inspected by the veterinarian issuing the health certificate within 10 days before the shipment,
 - b. A statement that:
 - i. The swine have never been fed garbage, and
 - ii. The swine have not been vaccinated for pseudorabies;
 - c. Except for feeder swine consigned to a restricted swine feedlot:
 - i. A list of the individual permanent identification for each exhibition swine, using an ear-notch that conforms to the universal swine-ear-notch system or for each commercial swine, using other individual identification, and the premises identification using a tattoo or producer-furnished tamper-proof eartag that conforms to the USDA National Premises Identification System;
 - ii. The validated brucellosis-free herd number and last test date for swine originating from a validated brucellosis-free herd;
 - iii. The pseudorabies status of the state of origin; and
 - iv. The pseudorabies qualified negative herd number, if applicable;
 - d. Except for feeder swine consigned to a restricted swine feedlot, swine moving directly to an exhibition, and swine from a farm of origin in a state recognized by APHIS as a pseudorabies Stage V state, a statement that the

- swine shall be quarantined on arrival at destination and kept separate and apart from all other swine until tested negative for pseudorabies no sooner than 15 days nor later than 30 days after entry into Arizona; and
- e. Feeder swine consigned to a restricted swine feedlot shall be identified by premises of origin using a tattoo or producer-furnished tamper-proof eartag that conforms to the USDA National Premises Identification System;
6. Sheep and goats.
 - a. Individual identification prescribed in R3-2-614;
 - b. A statement that:
 - i. The sheep or goats are not infected with bluetongue, or exposed to scrapie, and do not originate from a scrapie-infected or source flock;
 - ii. Breeding rams have been individually examined and are free of gross lesions of ram epididymitis; and
 - c. A statement that the sheep or goat test negative for *Brucella ovis* if a test is required by R3-2-614(B); and
 7. Equine.
 - a. An accurate identification for each equine covered by the health certificate including age, sex, breed, color, name, brand, tattoo, scars, and distinctive markings; and
 - b. A statement that the equine has a negative test for EIA, as required in R3-2-615, including:
 - i. The date and results of the test;
 - ii. The name of the testing laboratory; and
 - iii. The laboratory accession number.
- B.** Additions, deletions, and unauthorized or uncertified changes inserted or applied to a health certificate renders the certificate void. Uncertified photocopies of health certificates are invalid.
- C.** The veterinarian issuing a health certificate shall certify that the animals shown on the health certificate are free from evidence of any infectious, contagious, or communicable disease or known exposure.
- D.** An accredited veterinarian shall inspect animals for entry into the state.
- E.** The Director may limit the period for which a health certificate is valid to less than 30 days if advised by the State Veterinarian of the occurrence of a disease that constitutes a threat to the livestock industry.

R3-2-612. Importation of Cattle and Bison

- A.** The owner of cattle and bison entering Arizona or the owner's agent shall comply with the requirements in R3-2-602 through R3-2-611 and the following conditions:
1. Pay the expenses incurred to quarantine, test, and retest the imported cattle or bison or return to the state of origin.
 2. For imported beef breeding cattle, breeding bison, and dairy cattle, ensure that an accredited veterinarian applies a ~~USDA metal~~ an official eartag to each animal.
- B.** Arizona shall not accept:
1. Cattle or bison from brucellosis infected, exposed, or quarantined herds regardless of their vaccination or test status, or both, except:
 - a. Steers and spayed females, and
 - b. Animals shipped directly for immediate slaughter to an official state or federal slaughter establishment;
 2. Cattle or bison of unknown brucellosis exposure status, unless consigned for feeding purposes to a designated feedlot; ~~or to a quarantine pen approved by the State Veterinarian at an export station approved by the USDA;~~
 3. Dairy cattle from a state or region within a foreign country without brucellosis status comparable to a Class-Free State, or without tuberculosis status comparable to an Accredited-Free State;
 4. Dairy and dairy cross steers, and dairy and dairy cross spayed heifers from Mexico;
 5. Beef breeding cattle or breeding bison from a state or region within a foreign country without brucellosis status comparable to a Class A State, or without tuberculosis status comparable to a Modified Accredited State.
- C.** Brucellosis testing requirements for beef breeding cattle, breeding bison, and dairy cattle imported into Arizona from other states.
1. The owner or owner's agent shall ensure that an official calfhooed vaccinate is tested negative for brucellosis within 30 days before entering Arizona if the official calfhooed vaccinate is:
 - a. 18 months or older,
 - b. Cutting the first set of permanent incisors, or
 - c. Parturient or postparturient.
 2. The owner or owner's agent shall ensure that bulls and non-vaccinated heifers test negative for brucellosis if 12 months of age or older, unless consigned for feeding purposes to a designated feedlot. All cattle or bison consigned to a designated feedlot shall be branded with an "F" adjacent to the tail head before entry into Arizona unless ~~permission is granted by the State Veterinarian grants permission to apply the "F" brand on upon arrival.~~ All "F" branded cattle or bison that leave the designated feedlot shall ~~be shipped directly to: go directly to an official state or federal slaughter establishment for immediate slaughter or to another designated feedlot or be shipped to another state with the permission of the State Veterinarian in the state of destination.~~
 - a. An official state or federal slaughter establishment for immediate slaughter.

- b. Another designated feedlot, or
 - c. Another state if permitted by the State Veterinarian in the state of destination.
 - 3. ~~No brucellosis test is required for cattle or bison originating from a Certified Brucellosis-Free Herd if~~ If cattle or bison originate from a Certified Brucellosis-Free Herd and the herd certification number is documented on the health certificate and import permit, no brucellosis test is required.
 - 4. If native ranch cattle are from a brucellosis Class-Free State that does not have free-ranging brucellosis infected bison or wildlife, no brucellosis test is required ~~when~~ as long as:
 - a. The native ranch cattle are moved directly from the ranch of origin to an Arizona destination and the ~~USDA~~ metal official eartag numbers are listed on a health certificate; or
 - b. The native ranch cattle are from a state that has a brand inspection program approved by the State Veterinarian and the owner's brand is listed on a brand inspection certificate or health certificate.
 - 5. Health and brand inspection certificates issued for the movement shall be forwarded to the State Veterinarian in Arizona within two weeks of issue.
 - 6. ~~The owner or owner's agent shall ensure that beef breeding cattle or breeding bison from Class A States remain under import quarantine and isolation until tested negative for brucellosis not earlier than 45 days nor later than 120 days after entry. Dairy cattle shall be retested only if the State Veterinarian determines that there is a potential risk of the introduction of brucellosis in the state. Exceptions to this import quarantine and brucellosis testing are provided for native ranch cattle in an adjacent Class A State and for official calfhood vaccinates less than 18 months of age if permission is granted by the State Veterinarian:~~
 - a. Shall ensure that beef breeding cattle or breeding bison from a Class A State remain under import quarantine and isolation until the cattle test negative for brucellosis. The test shall be performed no earlier than 45 days and no later than 120 days after entry.
 - b. Shall retest dairy cattle if the State Veterinarian determines there is a potential risk of the introduction of brucellosis in the state.
 - c. Is not required to quarantine or test for brucellosis official calfhood vaccinates less than 18 months of age, if permission is granted by the State Veterinarian.
 - 7. ~~The owner or owner's agent shall notify the State Veterinarian within seven days of moving or bison under import quarantine from the destination listed on the import permit and health certificate, unless the animals are shipped directly to an official state or federal slaughter establishment for immediate slaughter, and shall notify the State Veterinarian at the time animals under import quarantine that are not moved from the destination are retested for brucellosis:~~
 - a. Shall notify the State Veterinarian within seven days of moving cattle or bison that are under import quarantine from the destination listed on the import permit and health certificate.
 - b. Shall notify the State Veterinarian at the time animals are retested for brucellosis, if the animals are under import quarantine and are not moved from the destination listed on the import permit and health certificate.
 - c. Is not required to notify the State Veterinarian if the cattle or bison are shipped directly to an official state or federal slaughter establishment for immediate slaughter.
 - 8. Beef breeding cattle, breeding bison, and dairy cattle meeting the criteria of subsections (C)(1) or (C)(2) and not meeting the criteria of subsection (C)(3) may be imported without a brucellosis test if moved to a specifically approved stockyard and tested before sale or movement from the stockyard. The owner or owner's agent shall not commingle these cattle or bison with other cattle or bison until these cattle or bison are tested and found to be brucellosis negative.
 - 9. Within seven days after importation, the owner or owner's agent shall ensure that the individual ~~metal~~ official eartag identification for imported dairy cattle is the same as that listed on the health certificate, ~~and~~ The owner or the owner's agent shall report any discrepancies between the official eartag and the health certificate to the State Veterinarian. Any dairy cattle shipped into Arizona not documented on the health certificate shall be tested for brucellosis and tuberculosis by the receiver within one week of arrival.
- D. Brucellosis testing requirements for beef breeding cattle, breeding bison, and dairy cattle imported into Arizona from Mexico.
- 1. Before entry into Arizona, beef breeding cattle, breeding bison, or dairy cattle from Mexico shall meet the requirements of 9 CFR 92.424 through 92.427, January 1, 1996 93.424 through 93.427, January 1, 2007, edition, ~~as amended at 60 FR 13898, 13900, March 15, 1995.~~ This material is incorporated by reference, does not include any later amendments or editions of the incorporated matter, and is on file with the ~~Office of the Secretary of State~~ Department of Agriculture, 1688 W. Adams St., Phoenix, AZ 85007.
 - 2. The owner or owner's agent shall ensure that beef breeding cattle, breeding bison, and dairy cattle from Mexico remain under import quarantine and isolation until tested negative for brucellosis. ~~The test shall not be performed earlier than 60 days nor later than 120 days after entry into Arizona, and. The test shall be performed again on breeding cattle and breeding bison~~ 30 days after calving, unless the animals were consigned to a designated feedlot. All cattle or bison consigned to a designated feedlot shall be branded with an "F" adjacent to the tail head before entry into Ari-

zona unless ~~permission is granted by~~ the State Veterinarian grants permission to apply the "F" brand on arrival. Unless neutered, all beef breeding cattle, breeding bison, and dairy cattle leaving the designated feedlot shall go directly to an official state or federal slaughter establishment for immediate slaughter or to another designated feedlot. The owner of the designated feedlot shall ensure that ~~metal~~ official eartag identification records are kept on all incoming consignments and then submit the records monthly to the State Veterinarian. An accredited veterinarian shall identify, on a form approved by the State Veterinarian, all cattle and bison leaving the designated feedlot. A copy of the form shall accompany the cattle or bison to slaughter and a copy shall be submitted to the State Veterinarian.

- E. Except for the following, all female dairy cattle four months of age or older, imported into Arizona, shall be official calf-hood vaccinates, properly identified, certified, and legibly tattooed:
1. Show cattle for exhibition,
 2. Cattle from a Certified Brucellosis-Free Herd with permission of the State Veterinarian,
 3. Cattle from a brucellosis-free state or country with permission of the State Veterinarian,
 4. Cattle consigned directly to an official state or federal slaughter establishment for immediate slaughter, and
 5. Cattle consigned for feeding purposes to a designated feedlot under import permit.
- F. When imported breeding cattle, breeding bison, or dairy cattle under import quarantine and isolation are sold at a specifically approved stockyard, the owner or owner's agent shall, at the time of the sale, identify those cattle to the new owner as being under import quarantine. If market cattle identification testing for brucellosis is conducted at the auction, the owner or owner's agent shall ensure that the cattle or bison are tested before the sale. The new owner shall segregate the cattle or bison and retest for brucellosis 45 to 120 days after the animals entered the state.
- G. Tuberculosis testing requirements for beef breeding cattle, breeding bison, and dairy cattle imported into Arizona from other states.
1. No tuberculosis test is required for:
 - a. Beef breeding cattle, breeding bison, or dairy cattle from an accredited herd if the herd accreditation number is documented on the health certificate and import permit;
 - b. Native commercial and purebred beef breeding cattle from an Accredited-Free State if its accredited-free status is documented on the health certificate; and
 - c. Steers and spayed heifers.
 2. Unless from an accredited herd, prescribed in subsection (G)(1), the owner or owner's agent shall ensure that purebred beef breeding cattle from modified accredited states, breeding bison, dairy females, and bulls for breeding dairy cattle test negative for tuberculosis within 60 days before entry into Arizona.
- H. Tuberculosis testing requirements for cattle and bison imported into Arizona from Mexico.
1. Before entry into Arizona, cattle and bison from Mexico shall meet the requirements of 9 CFR ~~92.424 through 92.427~~ 93.424 through 93.427, incorporated by reference in subsection (D)(1).
 2. Steers and spayed heifers from states or regions in Mexico ~~that shall not enter the state if they~~ have not been determined by the State Veterinarian to have fully implemented the Control, Eradication, or Free Phase of the bovine tuberculosis eradication program of Mexico ~~shall not enter the state~~.
 3. Steers and spayed heifers from states or regions in Mexico determined by the State Veterinarian to have fully implemented the Control Phase of the bovine tuberculosis eradication program of Mexico shall not be imported into Arizona without ~~prior~~ permission of the State Veterinarian.
 4. Steers and spayed heifers from states or regions in Mexico determined by the State Veterinarian to have fully implemented the Eradication Phase of the bovine tuberculosis eradication program of Mexico may be imported into Arizona, if they have either:
 - a. Tested negative for tuberculosis in accordance with procedures equivalent to the Bovine Tuberculosis Eradication - Uniform Methods and Rules within 60 days before entry into the United States, or
 - b. Originated from a herd that is equivalent to an accredited herd in the United States and are moved directly from the herd of origin across the border as a single group and not commingled with other cattle or bison before arriving at the border.
 5. Steers and spayed heifers from states or regions in Mexico determined by the State Veterinarian to have achieved the Free Phase of the bovine tuberculosis eradication program of Mexico may move directly into Arizona without testing or further restrictions if they are moved as a single group and not commingled with other cattle before arriving at the border.
 6. Beef breeding cattle and breeding bison from states or regions in Mexico may be imported into Arizona if determined by the State Veterinarian ~~determines to have fully implemented~~ the Eradication or Free Phase of the bovine tuberculosis eradication program of Mexico has been fully implemented and the breeding cattle and breeding bison may be imported into Arizona if they remain under import quarantine and isolation until retested negative for tuberculosis in accordance with the Bovine Tuberculosis Eradication - Uniform Methods and Rules. The test shall be performed not earlier than 60 days, ~~nor~~ but not later than 120 days after entry unless consigned to a designated feedlot for feeding purposes only. Unless neutered, all beef breeding cattle or breeding bison consigned to a designated feedlot shall be branded with an "F" adjacent to the tail head before entry into Arizona, unless permission is granted by the State Vet-

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erinarian to apply the “F” brand on arrival. All beef breeding cattle or breeding bison leaving the designated feedlot shall go directly to an official state or federal slaughter establishment for immediate slaughter or to another designated feedlot. The owner of the designated feedlot shall ensure that ~~meta~~ official eartag identification records are kept on all incoming consignments and submit the records monthly to the State Veterinarian. An accredited veterinarian shall identify, on a form approved by the State Veterinarian, all beef breeding cattle and breeding bison leaving the designated feedlot. A copy of the form shall accompany the cattle and bison to slaughter and a copy shall be submitted to the State Veterinarian.

I. Bovine scabies requirements.

1. The owner or owner’s agent shall ensure that no cattle or bison affected with or exposed to scabies is shipped, trailed, driven, or otherwise transported or moved into Arizona except cattle or bison identified and moving under permit number and seal for immediate slaughter at an official state or federal slaughter establishment.
2. The owner or owner’s agent of cattle or bison from an official state or federal scabies quarantined area shall comply with the requirements of 9 CFR 73, Scabies in Cattle, January 1, ~~1996~~ 2007, edition, ~~as amended at 56 FR 52463, October 21, 1991,~~ before moving the cattle or bison into Arizona. This material is incorporated by reference, does not include any later amendments or editions of the incorporated matter, and is on file with the ~~Office of the Secretary of State~~ Department of Agriculture, 1688 W. Adams St., Phoenix, AZ 85007.
3. The State Veterinarian may require that breeding and feeding cattle and bison from known scabies infected areas and states be dipped or treated even if the animals are not known to be exposed. The State Veterinarian shall require that dairy cattle be dipped only if the animals are known to be exposed; otherwise a veterinarian’s examination and certification shall be sufficient.

R3-2-614. Sheep and Goats

- A. The owner of a sheep or goat entering Arizona, or the owner’s agent, shall comply with the requirements of:
1. Article 6 and pay the expenses incurred to quarantine, test, and retest the sheep or goat; and
 2. Animal identification prescribed in 9 CFR 79; ~~66 FR 43963 44003, August 21, 2001,~~ January 1, 2007, edition. This material is incorporated by reference, does not include any later amendments or editions, and is on file with the ~~Department and the Office of the Secretary of State~~ Department of Agriculture, 1688 W. Adams St., Phoenix, AZ 85007.
- B. A breeding ram six months of age or older shall test negative for Brucella ovis within 30 days of entry or originate from a certified brucellosis-free flock. An exhibition ram that returns to the out-of-state flock of origin within five days of the conclusion of the exhibit is exempt from the testing requirement of this subsection.

R3-2-616. Cats and Dogs

A dog or cat shall be accompanied by a health certificate that documents the animal is currently vaccinated against rabies according to the requirements of the National Association of State Public Health Veterinarians’ Compendium of Animals Rabies Control, incorporated by reference in ~~R3-2-408~~ R3-2-409.

R3-2-617. Poultry

The Department has no entry requirements on poultry provided the poultry ~~are apparently~~ appear healthy, do not originate from a poultry quarantine area, ~~and~~ comply with all interstate requirements of APHIS, ~~and are accompanied by a health certificate or Form 9-3 from the National Poultry Improvement Program.~~

R3-2-618. Psittacine Birds

- A. The owner or the owner’s agent of a psittacine bird entering Arizona shall obtain a health certificate issued by a veterinarian within 30 days of entry, certifying:
1. The bird is not infected with ~~Chlamydia psittaci~~ the agent that causes avian chlamydiosis, and
 2. The bird was not exposed to birds known to be infected with avian chlamydiosis within the past 30 days.
- B. The health certificate shall accompany the psittacine bird at time of entry into Arizona.

R3-2-620. Zoo Animals

- A. An owner or owner’s agent may transport or move zoo animals into the state of Arizona if the animals are accompanied by an official health certificate, and consigned to a zoo or in the charge of a circus or show, ~~if importation produces no undue hazard to livestock or public health.~~
- B. The owner, or owner’s agent, of an animal in a “Petting Zoo” shall have the animal tested for tuberculosis within 12 months before importation. A negative test result is required for entry into Arizona.
- C. A business that transports or exhibits zoo animals shall be licensed by the Arizona Game and Fish Department.

R3-2-621. Non-restricted Live Wildlife Cervidae

The owner of non-restricted live wildlife Cervidae entering Arizona, or the owner’s agent, shall comply with the requirements in Article 6 and the following conditions:

1. Pay the expenses incurred to quarantine, test, and retest the imported non-restricted live wildlife cervids;

2. Ensure that each non-restricted live wildlife cervid is individually identified on the health certificate by a ~~USDA metal~~ official eartag number;
3. Tuberculosis testing.
 - a. Except for non-restricted live wildlife Cervidae from a tuberculosis accredited-free herd, a tuberculosis qualified herd, or a tuberculosis monitored herd, ensure that non-restricted live wildlife Cervidae are tested negative twice for tuberculosis no less than 90 days apart with the second test conducted within 90 days before the date of entry;
 - b. Test non-restrictive live wildlife Cervidae originating from a tuberculosis qualified or monitored herd for tuberculosis once within 90 days before entry.
4. Brucellosis testing.
 - a. Certified brucellosis-free cervid herd. No testing required.
 - b. Brucellosis-monitored cervid herd. All sexually intact non-restricted live wildlife Cervidae six months of age or older shall be tested negative for brucellosis within 90 days before entry.
 - c. Other cervid herds. Sexually intact non-restricted live wildlife Cervidae six months of age or older shall be tested negative for brucellosis within 30 days before entry. A retest shall be conducted within 90 days after entry.

NOTICE OF PROPOSED RULEMAKING

TITLE 3. AGRICULTURE

CHAPTER 2. DEPARTMENT OF AGRICULTURE ANIMAL SERVICES DIVISION

[R07-373]

PREAMBLE

1. **Sections Affected** R3-2-801 **Rulemaking Action** Amend
2. **The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**
Authorizing statutes: A.R.S. §§ 3-107(A)(1), 3-603
Implementing statutes: A.R.S. §§ 3-601.01, 3-603, 3-605, 3-606, 3-611, 3-625, 3-663
3. **A list of all previous notices appearing in the Register addressing the proposed rule:**
Notice of Rulemaking Docket Opening: 13 A.A.R. 4044, November 16, 2007 (*in this issue*)
4. **The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**
Name: Carlos Ramírez, Rules Analyst
Address: Department of Agriculture
1688 W. Adams
Phoenix, AZ 85007
Telephone: (602) 542-0962
Fax: (602) 542-5420
E-mail: cramirez@azda.gov
5. **An explanation of the rule, including the agency's reasons for initiating the rules:**
The Department of Agriculture is proposing to amend its definitions relating to dairy and dairy products control rules following a five-year review. Under this rulemaking, the Department will update citations to materials that are incorporated by reference and otherwise bring the rule into compliance with current APA standards.
6. **A reference to any study that the agency proposes to rely on in its evaluation of or justification for the proposed rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:**
None

7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

8. The summary of the economic, small business, and consumer impact:

The proposed rulemaking will not create a significant economic impact to the Department, other political subdivisions, businesses, or to state revenues. The Department holds that the benefits of the proposed rulemaking outweigh any costs and that there are no alternative methods of achieving the objective of the proposed rulemaking.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Carlos Ramírez, Rules Analyst

Address: Department of Agriculture
1688 W. Adams
Phoenix, AZ 85007

Telephone: (602) 542-0962

Fax: (602) 542-5420

E-mail: cramirez@azda.gov

10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rules, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rules:

An oral proceeding is not scheduled for these proposed rules. To request an oral proceeding or to submit comments, please contact the Rules Analyst listed in item 4 between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Arizona legal holidays. If a request for an oral proceeding is not made, the public record in this rulemaking will close at 4:30 p.m. 30 days after the proposed rulemaking is published in the *Arizona Administrative Register*.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None

12. Incorporations by reference and their location in the rules:

Under the definition for "PMO," the rule incorporates the 2003 revision of the Grade "A" Pasteurized Milk Ordinance, made in 1978 by the US Public Health Service/Food and Drug Administration. This reference will be amended to refer instead to the more up-to-date 2007 edition. Under the proposed rulemaking the Department will also delete the reference to the USDA web site, because that agency will not be able to post it in a timely manner.

13. The full text of the rule follows:

TITLE 3. AGRICULTURE

**CHAPTER 2. DEPARTMENT OF AGRICULTURE
ANIMAL SERVICES DIVISION**

ARTICLE 8. DAIRY AND DAIRY PRODUCTS CONTROL

Section
R3-2-801. Definitions

ARTICLE 8. DAIRY AND DAIRY PRODUCTS CONTROL

R3-2-801. Definitions

In addition to the definitions in A.R.S. §§ 3-601 and 3-661, the following terms apply to this Article:

"3-A Sanitary Standards" and "3-A Accepted Practices," as published by the International Association for Food Protection, amended May 31, 2002, means the criteria for cleanability of dairy processing equipment. This material is incorporated by reference, does not include any later amendments or editions, and is on file with the Department and the USDA web site: <http://www.cfsan.fda.gov/~ear/pmo03toc.html>.

"C-I-P" means a procedure by which equipment, pipelines, and other facilities are cleaned-in-place as prescribed in the 3-A Accepted Practices.

"Converted" means the process by which a frozen dessert is changed from a frozen to semi-frozen form without any change in the ingredients.

"Fluid trade product" means any trade product as defined in A.R.S. § 3-661(5) that resembles or imitates milk, lowfat

milk, chocolate milk, half and half, or cream.

“Food establishment” means any establishment, except a private residence, that prepares or serves food for human consumption, regardless of whether the food is consumed on the premises.

“Frozen desserts mix” or “mix” means any frozen dessert before being frozen.

“Grade A raw milk” means raw milk produced on a dairy farm that conforms to Section 7 of the PMO and the requirements of R3-2-805.

“Parlor” and “milk room” mean the facilities used for the production of Grade A raw milk for pasteurization.

“Plant” means any place, premise, or establishment, or any part, including specific areas in retail stores, stands, hotels, restaurants, and other establishments where frozen desserts are manufactured, processed, assembled, stored, frozen, or converted for distribution or sale, or both. A plant may consist of rooms or space where utensils or equipment is stored, washed, or sanitized and where ingredients used in manufacturing frozen desserts are stored. Plant includes:

“Manufacturing plant” means a location where frozen desserts are manufactured, processed, pasteurized, and converted.

“Handling plant” means a location that is not equipped or used to manufacture, process, pasteurize, or convert frozen desserts, but where frozen desserts are sold or offered for sale other than at retail.

“Plate line” means a horizontal structural member, such as a timber, that provides the bearing and anchorage for the trusses of a roof or the rafters.

“PMO” means the Grade A Pasteurized Milk Ordinance - 1978 Recommendations of the United States Public Health Service/Food and Drug Administration, ~~2003~~ 2007 Revision. This material is incorporated by reference, does not include any later amendments or editions, and is on file with the Department ~~and the USDA web site: <http://www.efsa.fda.gov/~ear/pmo03toe.html>~~.

“Retail food store” means any establishment offering packaged or bulk goods for human consumption for retail sale.

NOTICE OF PROPOSED RULEMAKING

TITLE 3. AGRICULTURE

CHAPTER 2. DEPARTMENT OF AGRICULTURE ANIMAL SERVICES DIVISION

[R07-371]

PREAMBLE

- | <u>1. Sections Affected</u> | <u>Rulemaking Action</u> |
|---|---|
| R3-2-902 | Amend |
| <u>2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):</u> | |
| Authorizing statutes: A.R.S. §§ 3-107(A)(1), 3-710(F) | |
| Implementing statutes: A.R.S. §§ 3-705, 3-706, 3-707, 3-708, 3-710(F), 3-712, 3-716, 3-725, 3-726, 3-737, and 3-739 | |
| <u>3. A list of all previous notices appearing in the Register addressing the proposed rule:</u> | |
| Notice of Rulemaking Docket Opening: 13 A.A.R. 4044, November 16, 2007 (<i>in this issue</i>) | |
| <u>4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:</u> | |
| Name: | Carlos Ramírez, Rules Analyst |
| Address: | Department of Agriculture
1688 W. Adams
Phoenix, AZ 85007 |
| Telephone: | (602) 542-0962 |
| Fax: | (602) 542-5420 |
| E-mail: | cramirez@azda.gov |

5. An explanation of the rule, including the agency's reasons for initiating the rules:

The Department of Agriculture is proposing to amend R3-2-902, dealing with standards, grades and weight classes for shell eggs, following a five-year review. Under this rulemaking, the Department will update citations to materials that are incorporated by reference and otherwise bring the rule into compliance with current APA standards.

6. A reference to any study that the agency proposes to rely on in its evaluation of or justification for the proposed rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:

None

7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

8. The summary of the economic, small business, and consumer impact:

The proposed rulemaking will not create a significant economic impact to the Department, other political subdivisions, businesses, or to state revenues. The Department holds that the benefits of the proposed rulemaking outweigh any costs and that there are no alternative methods of achieving the objective of the proposed rulemaking.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Carlos Ramírez, Rules Analyst

Address: Department of Agriculture
1688 W. Adams
Phoenix, AZ 85007

Telephone: (602) 542-0962

Fax: (602) 542-5420

E-mail: cramirez@azda.gov

10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rules, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rules:

An oral proceeding is not scheduled for these proposed rules. To request an oral proceeding or to submit comments, please contact the Rules Analyst listed in item 4 between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Arizona legal holidays. If a request for an oral proceeding is not made, the public record in this rulemaking will close at 4:30 p.m. 30 days after the notice is published in the *Arizona Administrative Register*.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None

12. Incorporations by reference and their location in the rules:

The rule incorporates by reference AMS 56.200 *et seq.*, or all rules listed following. The rules are more accurately listed under AMS 56 by the Agricultural Marketing Service, United States Department of Agriculture.

13. The full text of the rule follows:

TITLE 3. AGRICULTURE

**CHAPTER 2. DEPARTMENT OF AGRICULTURE
ANIMAL SERVICES DIVISION**

ARTICLE 9. EGG AND EGG PRODUCTS CONTROL

Section

R3-2-902. Standards, Grades and Weight Classes for Shell Eggs

ARTICLE 9. EGG AND EGG PRODUCTS CONTROL

R3-2-902. Standards, Grades and Weight Classes for Shell Eggs

All standards, grades, and weight classes for shell eggs shall be as prescribed in AMS 56.200 *et seq.*, effective July 20, 2000. This material is incorporated by reference, does not include any later amendments or editions, and is on file with the Department and the Office of the Secretary of State. "AMS" means Agricultural Marketing Service, United States Department of Agriculture.

Notices of Proposed Rulemaking

The language has also been updated to conform to rulemaking format and style requirements of the Council and the Office of the Secretary of State.

6. A reference to any study that the agency proposes to rely on in its evaluation of or justification for the proposed rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:

None

7. A showing of good cause why the rules are necessary to promote a statewide interest if the rules will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:

A. The Arizona Department of Agriculture.

The Department will incur modest expenses related to training staff and educating the regulated community on the amendment.

B. Political Subdivision.

Other than the Department, no political subdivision is affected by this rulemaking.

C. Businesses Directly Affected By the Rulemaking.

The regulated community will incur a slight increase in fees. Additionally, native plant licensees will need to become aware of the recodification and subsequent movement of the related licensing time-frames from the Plant Services Division to the Environmental Services Division.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Carlos Ramirez, Rules Analyst

Address: Department of Agriculture
1688 W. Adams
Phoenix, AZ 85007

Telephone: (602) 542-0962

Fax: (602) 542-5420

E-mail: cramirez@azda.gov

10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rules, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rules:

An oral proceeding is not scheduled for this proposed rulemaking. To request an oral proceeding or to submit comments, please contact the rules analyst listed in item 4 between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except legal holidays. If a request for an oral proceeding is not made, the public record in this rulemaking will close at 4:30 p.m. 30 days after the proposed rulemaking is published in the *Arizona Administrative Register*.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None

12. Incorporations by reference and their location in the rules:

None

13. The full text of the rules follows:

TITLE 3. AGRICULTURE

**CHAPTER 3. DEPARTMENT OF AGRICULTURE
ENVIRONMENTAL SERVICES DIVISION**

ARTICLE 1. GENERAL PROVISIONS

Section

Table 1. Time-frames (Calendar Days)

ARTICLE 11. ARIZONA NATIVE PLANTS

Section

- R3-3-1101. Definitions
- R3-3-1102. Protected Native Plant Destruction by a Private Landowner
- R3-3-1103. Disposal and Salvage of Protected Native Plants by a State Agency
- R3-3-1104. Protected Native Plant Permits; Tags; Seals; Fees
- R3-3-1105. Scientific Permits; Noncommercial Native Plant Permits
- R3-3-1106. Protected Native Plant ~~Surveys~~; Survey Fee
- R3-3-1107. Movement ~~Permit Permits~~; Tags, ~~Metal~~ Seals, and Cord Use
- R3-3-1108. Recordkeeping; Salvage Assessed and Harvest Restricted Native Plants
- R3-3-1109. Arizona Native Plant Law Education
- R3-3-1110. Permit Denial, ~~Revocation, and Suspension~~
- R3-3-1111. Confiscation of Plants, Plant Parts, Wood, Fiber, or Artifacts as Evidence
- Appendix A. Protected Native Plants By ~~Categories~~ Category

ARTICLE 1. GENERAL PROVISIONS

R3-3-102. Licensing Time-frames

- A. Overall time-frame. The Department shall issue or deny a license within the overall time-frames listed in Table 1 after receipt of the complete application. The overall time-frame is the total of the number of days provided for the administrative completeness review and the substantive review.
- B. Administrative completeness review.
 - 1. The administrative completeness review time-frame established in Table 1 begins on the date the Department receives the application. The Department shall notify the applicant in writing within the administrative completeness review time-frame whether the application or request is incomplete. The notice shall specify what information is missing. If the Department does not provide notice to the applicant within the administrative completeness review time-frame, the Department considers the application complete.
 - 2. An applicant with an incomplete license application shall supply the missing information within the completion request period established in Table 1. The administrative completeness review time-frame is suspended from the date the Department mails the notice of missing information to the applicant until the date the Department receives the information.
 - 3. If the applicant fails to submit the missing information before the expiration of the completion request period, the Department shall close the file, unless the applicant requests an extension. An applicant whose file has been closed may obtain a license by submitting a new application.
- C. Substantive review. The substantive review time-frame established in Table 1 shall begin after the application is administratively complete.
 - 1. If the Department makes a comprehensive written request for additional information, the applicant shall submit the additional information identified by the request within the additional information period provided in Table 1. The substantive review time-frame is suspended from the date of the Department request until the information is received by the Department. If the applicant fails to provide the information identified in the written request within the additional information period, the Department shall deny the license.
 - 2. The Department shall issue a written notice granting or denying a license within the substantive review time-frame. If the application is denied, the Department shall send the applicant written notice explaining the reason for the denial with citations to supporting statutes or rules, the applicant's right to seek a fair hearing, and the time period in which the applicant may appeal the denial.

Table 1. Time-frames (Calendar Days)

License	Authority	Administrative Completeness Review	Response to Completion Request	Substantive Completeness Review	Response to Additional Information	Overall Time-frame
Regulated Grower Permit	A.R.S. § 3-363	14	14	56	14	70
Seller Permit	A.R.S. § 3-363	14	14	56	14	70
Agricultural Aircraft Pilot License	A.R.S. § 3-363	14	14	56	14	70
Custom Applicator License	A.R.S. § 3-363	14	14	63	14	77

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Application Equipment Tag	A.R.S. § 3-363	14	14	56	14	70
Agricultural Pest Control Advisor (PCA) License	A.R.S. § 3-363	14	14	63	14	77
Commercial Applicator Certification	A.R.S. § 3-363	14	14	63	14	77
Private Applicator Certification	A.R.S. § 3-363	14	14	63	14	77
Private Fumigation Certification	A.R.S. § 3-363	14	14	63	14	77
Experimental Use Permit	A.R.S. § 3-350.01	14	14	28	14	42
Pesticide Registration	A.R.S. § 3-351	14	14	-91	14	105
License to Manufacture or Distribute Commercial Feed	A.R.S. § 3-2609	14	14	42	14	56
Commercial Fertilizer License	A.R.S. § 3-272	14	14	42	14	56
Specialty Fertilizer Registration		14	14	56	14	70
Agricultural Safety Trainer Certification	A.R.S. § 3-3125	28	14	28	14	56
ARIZONA NATIVE PLANTS						
Notice of Intent Confirmation Notice of Intent	A.R.S. § 3-904	7 14	14	7 14	14	14 28
• Salvage Assessed Native Plant Permits	A.R.S. § 3-906	5 14	14	5 14	14	10 28
• Salvage Restricted Native Plant Permits		5 14	14	5 14	14	10 28
• Scientific Permits		14	14	14	14	28
Movement Permits	A.R.S. § 3-906	5 14	14	5 14	14	10 28
Annual Permits for Harvest-Restricted Native Plants	A.R.S. § 3-907	5 14	14	5 14	14	10 28

ARTICLE 11. ARIZONA NATIVE PLANTS

R3-3-1101. Definitions

In addition to the definitions provided in A.R.S. § 3-901, the following terms apply to this Article:

“Agent” means a person authorized to manage, represent, and act for a landowner.

“Certificate of inspection for interstate shipments” means a certificate to transport protected native plants out of the state.

“Conservation” means to prevent exploitation, destruction or neglect of native plants while helping to ensure continued public use through donation.

2- “Cord” means a specific type string or small rope issued by the Department for attaching tags and seals to protected native plants.

“Cord of wood” means a measurement of firewood equal to 128 cubic feet.

“Department” means the Arizona Department of Agriculture.

3- “Destroy” means to cause the death of any protected native plant.

“Harvest restricted permit” means a permit is required to remove a native plant or the by-product, fiber, or woody part from a plant listed in Appendix A, subsection (D).

“Highly safeguarded permit” means commercial collection is not allowed for those native plants listed in Appendix

A. subsection (A).

4. "Landowner" means a person who holds title to a parcel of land.
"Noncommercial Native Plant permit" means a permit is required to allow the removal of a highly safeguarded native plant.
5. "Original growing site" means a place where a plant is growing wild and is rooted to the ground or any property owned by the same landowner where a protected native plant is relocated or transplanted without an original transportation permit.
6. "Permittee" means any person who is issued a ~~valid~~ permit by the Department for removing and transporting protected native plants.
7. "~~Pincushion~~" means any coryphantha or mammillaria Coryphantha spp. or Mammillaria spp. cactus and for purposes of assessing tag fees in R3-3-1104(D)(E) includes any protected plant 8" inches in height or less.
8. "Protected native plant" means any living plant or plant part listed in Appendix A and growing wild in Arizona.
"Protected native non-saguaro plant tag" means a tag issued by the Department to identify the lawful removal of a protected native plant other than a saguaro cactus from its original growing site.
12. "~~White~~ Saguaro tag" means a ~~white~~ tag issued by the Department to identify ~~any~~ a saguaro cactus being lawfully moved from its original growing site.
"Salvage assessed permit" means a permit is required to remove a native plant listed in Appendix A, subsection (C).
"Salvage restricted permit" means a permit is required to remove a native plant listed in Appendix A, subsection (B).
9. "~~Scientific collection permit~~" means a permit is required to remove a native plant for a controlled experimental project ~~of protected native plants conducted by a qualified individuals person.~~
10. "~~Securely affixed tied~~" means to fasten in a tight and secure manner to prevent the removal of tags, seals, or cord- ~~for reuse.~~
"Small Native Plant" means any protected plant 8 inches in height or less for purposes of assessing tag fees in R3-3-1104 (E).
11. "Survey" means the process by which a parcel of land is examined for the presence of protected native plants. ~~a:~~ A simple survey determines only whether protected native plants are present. ~~b:~~ A complete survey establishes the kind and number of each species present.
13. "~~Yellow tag~~" means a yellow tag issued by the Department to identify any protected native plant, ~~except a saguaro cactus, being moved from its original growing site.~~
"Wood receipt" means a receipt issued by the Department to identify the lawful removal of a protected native plant harvested for fuel, being removed from its original growing site.

R3-3-1102. Protected Native Plant Destruction by a Private Landowner

A. ~~Department notification~~ Notice of intent.

1. Before ~~any a~~ protected native plant is destroyed, the private landowner shall ~~submit~~ provide the following information to the Department on a ~~Notice of Intent~~ form obtained from the Department:
 - a. ~~The name~~ Name, address, and telephone number of the landowner;
 - b. ~~The name~~ Name, address, and telephone number of the landowner's agent, ~~if the landowner is not a resident of this state or is otherwise unavailable~~ applicable;
 - c. ~~The most recent tax parcel~~ Parcel identification number, ~~or other a current~~ tax assessment, or other valid document indicating land ownership;
 - d. ~~A legal~~ Legal description, ~~assessor's parcel number~~, map, address, or other description of the area, including the number of acres to be cleared, in which the protected native plants subject to the destruction are located;
 - e. ~~The earliest~~ Earliest date of the plant destruction; and
 - f. ~~The landowner's intentions~~ Landowner's intent for the disposal or salvage of protected native plants on the ~~private~~ land.
2. A landowner ~~who will~~ intending to destroy protected native plants ~~over on~~ an area of less than one acre may ~~orally~~ submit the information required in subsection (A)(1) to the Department verbally.

B. A landowner shall not destroy ~~any a~~ protected native ~~plants~~ plant until:

1. a Receiving written confirmation notice ~~is received~~ from the Department, and
2. ~~the time prescribed under A.R.S. § 3-904(A) (3) has elapsed.~~ Notice is given to the Department in compliance with the following minimum time periods:
 - a. Twenty days before the plants are destroyed over an area of less than one acre.
 - b. Thirty days before the plants are destroyed over an area of one acre or more but less than 10 acres.
 - c. Forty-five days before the plants are destroyed over an area of 10 acres or more but less than 40 acres.

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- d. Sixty days before the plants are destroyed over an area of 40 acres or more.
- C. ~~Any~~ The Department shall provide a salvage operator or other interested person ~~may obtain~~ with notice of protected native plant ~~destruction notice information~~ land clearing notification opportunities by providing that upon receipt of the person's name, address, and telephone number, and ~~payment of an annual non-refundable \$25.00~~ nonrefundable \$25 fee.

R3-3-1103. Disposal and Salvage of Protected Native Plants by a State Agency

A state agency intending to remove or destroy protected native plants shall notify the Department, under A.R.S. § 3-905, and may dispose of protected native plants using any of the following methods: shall propose a method of disposal from the following list:

1. The plants may be sold at a public auction;
2. The plants may be relocated or transported to a different location on the same property or to another property owned by the state, ~~without obtaining a permit;~~
3. ~~The state agency may obtain permits for removal of the plants for revegetation projects;~~
- 3.4. The plants may be donated to scientific, educational, and charitable institutions; nonprofit organizations as provided in A.R.S. § 3-916;
- 4.5. ~~The plants may be donated to other another state agencies agency or political subdivisions subdivision, without obtaining a permit; or~~
- 5.6. ~~The plants may be salvaged or harvested by the a member of the general public or a commercial dealers- dealer, if the person holds a permit as provided under A.R.S. §§ 3-906 or 3-907; and~~
6. If the plants are highly safeguarded, they shall first be made available to the holder of a scientific permit or a noncommercial salvage permit.

R3-3-1104. Protected Native Plant Permits; Tags; ~~Seals~~; Fees

- A. A person shall not collect, transport, possess, sell, offer for sale, dispose, or salvage protected native plants unless that person is 18 years of age or older and ~~holds a~~ possesses an appropriate permit.
- B. ~~A permit~~ An applicant shall submit the following information to the Department on a form obtained from the Department, as, if applicable:
1. ~~The name~~ Name, business name, address, telephone number, ~~social security~~ Social Security number or tax identification number, and signature of the applicant;
 2. ~~The name~~ Name and number of plants to be removed;
 3. ~~The purpose~~ Purpose of the plant removal;
 4. Whether the applicant has a conviction of a state or federal statute regarding the protection of native plants within the previous five years;
 5. Except for salvage assessed native plants;
 - a. ~~The name,~~ Name, address, telephone number, and signature of the landowner;
 - b. ~~The location~~ Location of the permitted site and size of acreage;
 - c. ~~The destination~~ Destination address where the plants will be transplanted;
 - d. ~~The legal~~ Legal and physical description of the location of the original growing site; and
 - e. ~~The more recent tax parcel~~ Parcel identification number ~~available~~ for the permitted site; or other ~~tax assessment~~ documents indicating proving land ownership.
- C. Saguaro tags identify any saguaro cactus that will be moved from locations that are not original growing sites.
1. Any person moving a saguaro cactus above four feet previously transplanted from its original growing site in Arizona and transplanting it to another location shall apply to the Department for a permit.
 2. The landowner from where the saguaro cactus is being moved shall provide the information in Subpart B on the permit application.
 3. Subpart C does not apply if the applicant maintains a record of the original transportation permit or is able to verify the original movement with the Department.
- ~~E.D.~~ Permit fees.
1. ~~Any~~ A person removing and transporting protected native plants shall submit the following applicable fee to the Department with the permit application:
 - a. Salvage assessed native plant permit, annual use, ~~\$25.00~~ \$35;
 - b. Harvest restricted native plant permit, annual use, ~~\$25.00~~ \$35;
 - c. All other native plant permits, one-time use, ~~\$5.00~~ \$7;
 - d. Certificate of inspection for interstate shipments, \$15.
 2. Exemptions. The following protected native plants are exempt from fees if:
 - a. The protected native plants intended for personal use by a landowner are taken from one piece of land owned by the landowner to another piece of land also owned by the landowner, remain on the property of the landowner, and are not sold or offered for sale;
 - b. The protected native plants are collected for scientific purposes; or

c. A landowner donates the protected native plant to a scientific, educational, or charitable institution.

D.E. Tag fees.

1. Any person obtaining a ~~white~~ saguaro tag or ~~yellow~~ other protected native plant tag shall submit the following applicable fee to the Department at the time ~~the a~~ tag is obtained:
 - a. Saguaro, ~~\$6.00~~ \$8 per plant;
 - b. Trees cut for firewood and listed in the harvest restricted category, ~~\$4.00~~ \$6 per cord of wood;
 - c. ~~Pineushion~~, Small native plant, \$.50 per plant;
 - d. ~~All~~ Any other protected native ~~plants~~ plant referenced in A.R.S. § 3-903(B) and (C) and listed in Appendix A, ~~\$4.00~~ \$6 per plant.
2. Harvested restricted native plants, of ~~nolina~~ and or yucca parts is ~~\$4.00~~ \$6 per ton. Payment shall be made to the Department in the following manner:
 - a. Unprocessed nolina or yucca fiber shall be weighed on a state-certified bonded scale; and
 - b. The harvester shall submit payment and weight certificates to the Department no later than the 10th day of the month following each harvest.

E.F. Seal fees. A person obtaining a seal shall submit a \$.15 per plant fee to the Department at the time a seal is obtained.

G. Salvage assessed permits and plant tags are valid for the calendar year in which they are issued. The tags expire at the end of the calendar year unless the permit is renewed.

R3-3-1105. Scientific Permits; Noncommercial Native Plant Permits

A. Scientific Permit

1. A person shall not collect any highly safeguarded or other protected native plants for a research projects project unless that person holds a scientific permit.
- ~~2.~~ **2.** A permit An applicant shall submit the following information to the Department: on a form obtained from the Department:
 - 1-a. ~~The name~~ Name, address, and telephone number of the company or research facility applying for the permit;
 - 2-b. ~~The name~~ Name, and title and experience of the person conducting the research project;
 - 3-c. ~~The purpose~~ Purpose and intent of the research project;
 4. ~~The results of the research, whether the results will be published, and the media used to publish the results;~~
 - 5-d. ~~The controls~~ Controls to be used;
 - 6-e. ~~The variables~~ Variables considered;
 - 7-f. ~~The length of time~~ Time-frame for the project will take;
 - 8-g. ~~The expected~~ Anticipated results and projected publication media;
 - 9-h. ~~Reports~~ The type of reports and recordkeeping used to monitor the project;
 - 10-i. ~~Project funding source; The type of funding that will be used;~~
 - 11-j. ~~Funding~~ The funding of the company or research facility;
 - 12-k. ~~Written authorization from the landowner The written approval for collection of the plants from the legal owner;~~
 - 13-l. ~~Date~~ The date of the application; and
 - 14-m. ~~Signed affirmation by the applicant The signature of the person authorized on behalf of the company or research facility affirming that the plants collected will not be sold or used for personal interests; and~~
 - n. Tax-ID Number or Social Security number if applicant is an individual.

~~C.3.~~ **3.** Scientific research permits A scientific permit shall be issued if all of the following conditions are met:

- 1-a. The native plant removal site is restored to a natural appearance and the site restoration is approved by the site owner; A plan is presented to the Department, pre-approved by the landowner, to restore the removal site to a natural appearance;
- 2-b. The removal and movement of the native plants are shall be accomplished by a person equipped and experienced in native plant removal and transplantation;
- 3-c. The native plants used in the project are shall remain accessible to the scientific community and state and local regulatory agencies Department;
- 4-d. The ecology of the project site is beneficial to the growth of the specific plants in the project if practical;
- 5-e. Arrangements are made exist for a suitable permanent planting site for the surviving plants after the project's completion; and
- 6-f. Security is provided at the project site to prevent the destruction or theft of native plants used in the research. Description of plant disposition and research conclusion;

~~D.4.~~ **4.** A Scientific permits are scientific permit is valid for the calendar year in which they are it is issued.

B. Noncommercial native plant permit:

1. Highly safeguarded native plants may only be collected for conservation by a person holding a noncommercial salvage permit.
2. An applicant shall submit the following information to the Department, on a form obtained from the Department:

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- a. Name, address, and telephone number of the applicant applying for the permit;
 - b. Proposed relocation site for the plants;
 - c. Written authorization from the landowner for collection of the plants;
 - d. Date of the application; and
 - e. Signed affirmation by the applicant that the plants collected will not be sold or used for personal interests.
3. A noncommercial salvage permit shall be issued if all of the following conditions are met through provided documentation to the Department:
- a. The native plants used in the project shall be accessible to the Department after transplant;
 - b. The relocation site is beneficial to the growth of the specific plants in the project; and
4. A noncommercial salvage permit is valid only for the transportation and the transplantation of the particular native plant.

R3-3-1106. Protected Native Plant Surveys; Survey Fee

- A.** Except for permits issued for salvage assessed native plants, any person harvesting protected native plants shall conduct a survey and provide a written report to the Director of the plant survey results before a permit is issued.
- B.** The landowner, permittee, or agent may conduct the survey or request that the survey be conducted by the Department.
1. If the landowner, permittee, or agent conducts the survey, the following information shall be completed on a survey form furnished by the Department:
 - a. The name, address, telephone number, and signature of the landowner, permittee, or agent performing the survey;
 - b. The date the survey is performed;
 - e. The survey results including the names and numbers of plants.
- ~~2.A.~~ At the request of any person, if the Department may conduct a native plant survey, the survey shall be completed within 20 working days. Upon completion, the Department shall notify the landowner, permittee applicant, or agent of:
- ~~a.1.~~ The date the survey was performed;
 - ~~b.2.~~ The amount of the survey fee payable to the Department;
 - ~~e.3.~~ The name of Department personnel performing the survey;
 - ~~d.4.~~ Upon payment, the survey results including the names and numbers of protected native plants.
- C.B.** The following fees for a Department-conducted survey shall be paid to the Department within 30 days from the date of the notification:
1. Simple survey, no fee; or
 2. Complete survey, includes time and travel, as prescribed under A.R.S. §§ ~~38-611(B)~~ 38-611(A) and 38-623(C) and (D).

R3-3-1107. Movement Permit Permits; Tags, Metal Seals, and Cord Use

- A.** Any person moving a protected native plant, except a saguaro cactus, previously transplanted from its original growing site in Arizona and transplanting it to another location ~~shall~~ may apply to the Department for a Movement Permit. The landowner from where the plant is being moved shall provide the following information on the permit application:
1. The name, telephone number, and signature of the landowner;
 2. The location of the plant;
 3. The name, address, and telephone number of the receiver;
 4. The name, address, and telephone number of the carrier;
 5. The number, species, and description of the plant being removed;
 6. The tax parcel identification number; and
 7. The date of the application.
- B.** Any person moving a saguaro cactus above four feet previously transplanted from its original growing site in Arizona and transplanting it to another location shall apply to the Department for a Movement Permit. The landowner from where the saguaro cactus is being moved shall provide the following information on the permit application, unless the applicant maintains a record of the original permit or is able to verify the original movement with the Department.
1. The name, telephone number, and signature of the landowner;
 2. The address where the saguaro cactus is located;
 3. The name, address, and telephone number of the receiver;
 4. The name, address, and telephone number of the carrier;
 5. The number, species, and description of the plant being removed;
 6. The tax parcel identification number of the property where the saguaro cactus is being moved; and
 7. The date of the application.
- C.** Movement of protected native plants obtained outside Arizona.
1. Any person moving a protected native plant obtained outside Arizona and transporting and planting it within the state

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shall declare the protected native plant at the agricultural inspection station nearest the port of entry. The Department shall place the protected native plant under "Warning Hold" to the nearest ~~district permitting~~ office.

2. If ~~no an~~ agricultural station is not in operation at the port of entry, the person shall declare the protected native plant at the nearest ~~district permitting~~ office during normal office hours.

3. After the plants have been declared, the ~~district permitting~~ office shall issue a Movement Permit and a ~~green~~ seal.

~~C.D.~~ Any person moving protected native plants shall obtain, ~~at cost,~~ the following ~~metal~~ seals from the Department and securely attach the appropriate seal to each protected native plant:

1. ~~Blue~~ Protected native plant seals identify protected native plants, except saguaro cacti, that will be moved from locations that are not the original growing sites.

~~2. White seals identify the protected saguaro cactus.~~

~~3.2. Green Imported~~ seals identify all imported protected native plants.

4. ~~Yellow seals identify all protected native plants, except imported protected native plants and the protected saguaro cactus.~~

~~D.E.~~ Tag, ~~metal~~ seal, and cord attachment.

1. ~~A tag shall be attached~~ A permittee shall attach a tag to each protected native plant taken from its original growing site, using cord provided by the Department, before ~~being transported~~ transport. No other type of rope, string, twine, or wire is allowed.

2. The cord shall be securely ~~affixed~~ tied around the plant, and ~~knotted with~~ the tag attached so that it cannot be removed without breaking the seal or cutting the cord.

3. The tag shall be placed directly over the knot and the ends pressed firmly together sealing the knot so that it cannot be removed for reuse.

~~3.4. The metal protected native plant seal shall be placed directly over the knot and snapped firmly closed, sealing the knot.~~

5. The imported seal shall be attached directly to the plant.

~~4.6. Upon loading the plant, every effort shall be made to make allow visibility of the tag visible during transporting trans-~~
port.

R3-3-1108. Recordkeeping; Salvage Assessed and Harvest Restricted Native Plants

~~A. Harvest restricted native plants.~~

~~1. Unprocessed nolina and yucca fiber shall be weighed at a state-certified bonded scale;~~

~~2. The harvester shall submit payment and weigh certificates to the Department no later than the 10th day of the month following each harvest.~~

~~B. Recordkeeping.~~

~~1.A. Salvage Assessed Native Plants.~~

~~a.1. A permittee shall maintain a record of each protected native plant removed under an annual permit for two years from the date of each transaction and allow Department inspection of the records during normal business hours. The transaction record shall include the date salvage restricted protected native plants were removed, and the permit and tag numbers.~~

~~b.2. Annually, by Before January 31, the a permittee shall submit to the Department a copy of each transaction record for the prior calendar year.~~

~~2.B. Harvest Restricted Native Plants. No later than the 10th day of each month, a A permittee shall submit to the Department by the 10th day of each month the transaction records for transactions that took place the previous month, or a written statement that no transaction was conducted for that month.~~

R3-3-1109. Arizona Native Plant Law Education

~~A. Seminars The Department may schedule seminars and training courses shall be scheduled on an as-needed basis.~~

~~B. In addition to the following fees, charges for printed materials or pamphlets shall be assessed based upon the document printing and mailing costs:~~

~~1. Any A person attending a seminar or training course in on Arizona native plant law shall pay a nonrefundable fee of \$5.00 \$10 to the Department before attending the class.~~

~~2. Any A person convicted of violating the Arizona native plant statutes or rules laws and ordered by a court to attend a native plant law educational class shall pay a nonrefundable fee of \$15.00 \$25 to the Department before attending the class. The Department shall provide written confirmation of satisfactory completion to a person ordered by a court to attend a class.~~

~~3. Schools, law enforcement agencies, and government entities are exempt from seminar and training course fees.~~

~~C. The Department shall provide written confirmation of satisfactory completion to any person ordered by a court to attend the class.~~

R3-3-1110. Permit Denial, Revocation, and Suspension

~~A. In addition to the prohibited acts listed in A.R.S. § 3-908(A), the Director may deny, revoke, or suspend a permit for any~~

of the following:

1. A violation of 3 A.R.S. 7; 3 A.A.C. 3, Article 11; or any federal native plant law;
2. Misuse of a permit, tag, or metal seal;
3. Failure of an applicant or permittee to submit a complete and accurate permit application or a transaction report; and
4. Failure to allow the Department to inspect transaction records.

~~B.~~ Upon notice of denial of a permit, ~~an~~ The applicant ~~or permittee~~ may request, in writing, that the Department provide an administrative hearing under 41 A.R.S. Title 41, Chapter 6, Article 10, to appeal ~~any~~ the denial, ~~revocation, or suspension of a permit.~~

R3-3-1111. Confiscation of Plants, Plant Parts, Wood, Fiber, or Artifacts as Evidence

A. Following any determination by a court or the Department that a native plant law has been violated, all protected native plants, plant parts, wood, fiber, or artifacts confiscated and held as evidence shall become the property of the state, unless the court or the Department orders otherwise.

B. All confiscated evidence that becomes the property of the state shall be disposed of by the Department.

Appendix A. Protected Native Plants By Categories Category

~~A.~~ Highly Safeguarded Protected Native Plants. The following list includes those species of native plants and parts of plants, including the seeds and fruit, whose prospects for survival in Arizona are in jeopardy or which are in danger of extinction. Highly safeguarded native plants as prescribed in A.R.S. § 3-903(B)(1), for which commercial collection is not allowed except as provided in R3-3-1105(B)(1):

- AGAVACEAE Agave Family ~~(including Nolinaceae)~~
 - Agave arizonica* Gentry & Weber—Arizona agave
 - Agave delamateri* Hodgson & Slauson
 - Agave murpheyi* Gibson—Hohokam agave
 - Agave parviflora* Torr.—Santa Cruz striped agave, Small-flowered agave
 - Agave phillipsiana* Hodgson
 - Agave schottii* Engelm. var. *treleasei* (Toumey) Kearney & Peebles
- APIACEAE Parsley Family. [= Umbelliferae]
 - Lilaeopsis schaffneriana* (Schlecht.) Coult. & Rose ssp. *recurva* (A. W. Hill) Affolter—Cienega false rush, Huachuca water umbel.
 - Syn.: *Lilaeopsis recurva* A. W. Hill
- APOCYNACEAE Dogbane Family
 - Amsonia kearneyana* Woods.—Kearney’s bluestar
 - Cycladenia humilis* Benth. var. *jonesii* (Eastw.) Welsh & Atwood—Jones’ cycladenia
- ASCLEPIADACEAE Milkweed Family
 - Asclepias welshii* N. & P. Holmgren—Welsh’s milkweed
- ASTERACEAE Sunflower Family [= Compositae]
 - Erigeron lemmonii* Gray—Lemmon fleabane
 - Erigeron rhizomatus* Cronquist—Zuni fleabane
 - Senecio franciscanus* Greene—San Francisco Peaks groundsel
 - Senecio huachucanus* Gray—Huachuca groundsel
- BURSERACEAE Torch Wood Family
 - Bursera fagaroides* (H.B.K.) Engler—Fragrant bursera
- CACTACEAE Cactus Family
 - Carnegiea gigantea* (Engelm.) Britt. & Rose—Saguaro: ‘Crested’ or ‘Fan-top’ form ~~only~~
 - Syn.: *Cereus giganteus* Engelm.
 - Coryphantha recurvata* (Engelm.) Britt. & Rose—Golden-chested beehive cactus
 - Syn.: *Mammillaria recurvata* Engelm.
 - Coryphantha robbinsorum* (W. H. Earle) A. Zimmerman—Cochise pincushion cactus, Robbin’s cory cactus.
 - Syn.: *Cochiseia robbinsorum* W.H. Earle
 - Coryphantha scheeri* (Kuntze) L. Benson var. *robustispina* (Schott) L. Benson—Scheer’s strong-spined cory cactus.
 - Syn.: *Mammillaria robustispina* Schott
 - Echinocactus horizonthalonius* Lemaire var. *nicholii* L. Benson—Nichol’s Turk’s head cactus
 - Echinocereus triglochidiatus* Engelm. var. *arizonicus* (Rose ex Orcutt) L. Benson—Arizona hedgehog cactus
 - Echinomastus erectocentrus* (Coult.) Britt. & Rose var. *acunensis* (W. T. Marshall) L. Benson—Acuna cactus
 - Syn.: *Neolloydia erectocentra* (Coult.) L. Benson var. *acunensis* (W. T. Marshall) L. Benson

Pediocactus bradyi L. Benson–Brady’s pincushion cactus
Pediocactus paradinei B. W. Benson–Paradine plains cactus
Pediocactus peeblesianus (Croizat) L. Benson var. *fickeiseniae* L. Benson
Pediocactus peeblesianus (Croizat) L. Benson var. *peeblesianus* Peebles’ Navajo cactus, Navajo plains cactus
Syn.: *Navajoa peeblesiana* Croizat
Pediocactus sileri (Engelm.) L. Benson–Siler pincushion cactus
Syn.: *Utahia sileri* (Engelm.) Britt. & Rose

COCHLOSPERMACEAE Cochlospermum Family
Amoreuxia gonzalezii Sprague & Riley

CYPERACEAE Sedge Family
Carex specuicola J. T. Howell–Navajo sedge

FABACEAE Pea Family [=Leguminosae]
Astragalus cremnophylax Barneby var. *cremnophylax* Sentry milk vetch
Astragalus holmgreniorum Barneby–Holmgren milk-vetch
Dalea tentaculoides Gentry–Gentry indigo bush

LENNOACEAE Lennoa Family
Pholisma arenarium Nutt.–Scaly-stemmed sand plant
Pholisma sonora (Torr. ex Gray) Yatskievych– Sandfood, sandroot
Syn.: *Ammobroma sonora* Torr. ex Gray

LILIACEAE Lily Family
Allium gooddingii Ownbey–Goodding’s onion

ORCHIDACEAE Orchid Family
Cypripedium calceolus L. var. *pubescens* (Willd.) Correll–Yellow lady’s slipper
Hexaletris warnockii Ames & Correll–Texas purple spike
Spiranthes delitescens C. Sheviak

POACEAE Grass Family [=Gramineae]
Puccinellia parishii A.S. Hitchc.–Parish alkali grass

POLYGONACEAE Buckwheat Family
Rumex orthoneurus Rech. f.

PSILOTACEAE Psilotum Family
Psilotum nudum (L.) Beauv. Bush Moss, Whisk Fern

RANUNCULACEAE Buttercup Family
Cimicifuga arizonica Wats.–Arizona bugbane
Clematis hirsutissima Pursh var. *arizonica* (Heller) Erickson–Arizona leatherflower

ROSACEAE Rose Family
Purshia subintegra (Kearney) J. Hendrickson–Arizona cliffrose, Burro Creek cliffrose
Syn.: *Cowania subintegra* Kearney

SALICACEAE Willow Family
Salix arizonica Dorn–Arizona willow

SCROPHULARIACEAE Figwort Family
Penstemon discolor Keck–Variegated beardtongue

B. ~~Salvage Restricted Protected Native Plants.~~ The following list includes those species of native plants that are not included in the highly safeguarded category but are subject to damage by theft or vandalism. Salvage restricted native plants as prescribed in A.R.S. § 3-903(B)(2) that require a permit for removal. In addition to the plants listed under Agavaceae, Cactaceae, Liliaceae, and Orchidaceae, all other species in these families are salvage restricted protected native plants:

AGAVACEAE Agave Family (including ~~Nolinaceae~~)
Agave chrysantha Peebles
Agave deserti Engelm. ssp. *simplex* Gentry–Desert agave
Agave mckelveyana Gentry
Agave palmeri Engelm.
Agave parryi Engelm. var. *couseii* (Engelm. ex Trel.) Kearney & Peebles
Agave parryi Engelm. var. *huachucensis* (Baker) Little ex L. Benson
Syn.: *Agave huachucensis* Baker

Agave parryi Engelm. var. *parryi*
Agave schottii Engelm. var. *schottii* – Shindigger
Agave toumeyana Trel. ssp. *bella* (Breitung) Gentry
Agave toumeyana Trel. ssp. *toumeyana*
Agave utahensis Engelm. spp. *kaibabensis* (McKelvey) Gentry
Syn.: *Agave kaibabensis* McKelvey
Agave utahensis Engelm. var. *utahensis*
~~*Dasyliiron wheeleri* Wats. – Sotol, desert spoon~~
~~*Nolina bigelovii* (Torr.) Wats. – Bigelow’s nolina~~
~~*Nolina microcarpa* Wats. – Beargrass, sacahuista~~
~~*Nolina parryi* Wats. – Parry’s nolina~~
~~*Nolina texana* Wats. var. *compacta* (Trel.) Johnst. – Bunchgrass~~
Yucca angustissima Engelm. var. *angustissima*
Yucca angustissima Engelm. var. *kanabensis* (McKelvey) Reveal
Syn.: *Yucca kanabensis* McKelvey
Yucca arizonica McKelvey
Yucca baccata Torr. var. *baccata* – Banana yucca
Yucca baccata Torr. var. *vespertina* McKelvey
Yucca baileyi Woot. & Standl. var. *intermedia* (McKelvey) Reveal
Syn.: *Yucca navajoa* Webber
Yucca brevifolia Engelm. var. *brevifolia* – Joshua tree
Yucca brevifolia Engelm. var. *jaegeriana* McKelvey
Yucca elata Engelm. var. *elata* – Soap tree yucca, palmilla
Yucca elata Engelm. var. *utahensis* (McKelvey) Reveal
Syn.: *Yucca utahensis* McKelvey
Yucca elata Engelm. var. *verdiensis* (McKelvey) Reveal
Syn.: *Yucca verdiensis* McKelvey
Yucca harrimaniae Trel.
Yucca schidigera Roetzl. – Mohave yucca, Spanish dagger
Yucca schottii Engelm. – Hairy yucca
Yucca thornberi McKelvey
Yucca whipplei Torr. var. *whipplei* – Our Lord’s candle
Syn.: *Yucca newberryi* McKelvey

AMARYLLIDACEAE Amaryllis Family

Zephyranthes longifolia Hemsl. – Plains Rain Lily

ANACARDIACEAE Sumac Family

Rhus kearneyi Barkley – Kearney Sumac

ARECACEAE Palm Family [=Palmae]

Washingtonia filifera (Linden ex Andre) H. Wendl. – California fan palm

ASTERACEAE Sunflower Family [=Compositae]

Cirsium parryi (Gray) Petrak ssp. *mogollonicum* Schaak
Cirsium virginensis Welsh – Virgin thistle
Erigeron kuschei Eastw. – Chiricahua fleabane
Erigeron piscaticus Nesom – Fish Creek fleabane
Flaveria macdougalii Theroux, Pinkava & Keil
Perityle ajoensis Todson – Ajo rock daisy
Perityle cochisensis (Niles) Powell – Chiricahua rock daisy
Senecio quaerens Greene – Gila groundsel

BURSERACEAE Torch-Wood Family

Bursera microphylla Gray – Elephant tree, torote

CACTACEAE Cactus Family

Carnegiea gigantea (Engelm.) Britt. & Rose – Saguaro
Syn.: *Cereus giganteus* Engelm.
Coryphantha missouriensis (Sweet) Britt. & Rose
Coryphantha missouriensis (Sweet) Britt. & Rose var. *marstonii* (Clover) L. Benson
Coryphantha scheeri (Kuntze) L. Benson var. *valida* (Engelm.) L. Benson

- Coryphantha strobiliformis* (Poselger) var. *orcuttii* (Rose) L. Benson
Coryphantha strobiliformis (Poselger) var. *strobiliformis*
Coryphantha vivipara (Nutt.) Britt. & Rose var. *alversonii* (Coul.) L. Benson
Coryphantha vivipara (Nutt.) Britt. & Rose var. *arizonica* (Engelm.) W. T. Marshall
 Syn.: *Mammillaria arizonica* Engelm.
Coryphantha vivipara (Nutt.) Britt. & Rose var. *bisbeeana* (Orcutt) L. Benson
Coryphantha vivipara (Nutt.) Britt. & Rose var. *deserti* (Engelm.) W. T. Marshall
 Syn.: *Mammillaria chlorantha* Engelm.
Coryphantha vivipara (Nutt.) Britt. & Rose var. *rosea* (Clokey) L. Benson
Echinocactus polycephalus Engelm. & Bigel. var. *polycephalus*
Echinocactus polycephalus Engelm. & Bigel. var. *xeranthemoides* Engelm. ex Coult.
 Syn.: *Echinocactus xeranthemoides* Engelm. ex Coult.
Echinocereus engelmannii (Parry ex Engelm.) Lemaire var. *acicularis* L. Benson
Echinocereus engelmannii (Parry ex Engelm.) Lemaire var. *armatus* L. Benson
Echinocereus engelmannii (Parry ex Engelm.) Lemaire var. *chrysocentrus* L. Benson
Echinocereus engelmannii (Parry ex Engelm.) Lemaire var. *engelmannii*
Echinocereus engelmannii (Parry) Lemaire var. *variegatus* (Engelm.) Engelm. ex Rümpler
Echinocereus fasciculatus (Engelm. ex B. D. Jackson) L. Benson var. *fasciculatus*
 Syn.: *Echinocereus fendleri* (Engelm.) Rümpler var. *fasciculatus* (Engelm. ex B. D. Jackson) N. P. Taylor,
Echinocereus fendleri (Engelm.) Rümpler var. *robusta* L. Benson; *Mammillaria fasciculata* Engelm.
Echinocereus fasciculatus (Engelm. ex B. D. Jackson) L. Benson var. *bonkeriae* (Thornber & Bonker) L. Benson.
 Syn.: *Echinocereus boyce-thompsonii* Orcutt var. *bonkeriae* Peebles; *Echinocereus fendleri* (Engelm.) Rümpler var. *bonkeriae* (Thornber & Bonker) L. Benson
Echinocereus fasciculatus (Engelm. ex B. D. Jackson) L. Benson var. *boyce-thompsonii* (Orcutt) L. Benson
 Syn.: *Echinocereus boyce-thompsonii* Orcutt
Echinocereus fendleri (Engelm.) Rümpler var. *boyce-thompsonii* (Orcutt) L. Benson
Echinocereus fendleri (Engelm.) Rümpler var. *fendleri*
Echinocereus fendleri (Engelm.) Rümpler var. *rectispinus* (Peebles) L. Benson
Echinocereus ledingii Peebles
Echinocereus nicholii (L. Benson) Parfitt.
 Syn.: *Echinocereus engelmannii* (Parry ex Engelm.) Lemaire var. *nicholii* L. Benson
Echinocereus pectinatus (Scheidw.) Engelm. var. *dasyacanthus* (Engelm.) N. P. Taylor
 Syn.: *Echinocereus pectinatus* (Scheidw.) Engelm. var. *neomexicanus* (Coul.) L. Benson
Echinocereus polyacanthus Engelm. (1848) var. *polyacanthus*
Echinocereus pseudopectinatus (N. P. Taylor) N. P. Taylor
 Syn.: *Echinocereus bristolii* W. T. Marshall var. *pseudopectinatus* N. P. Taylor, *Echinocereus pectinatus* (Scheidw.) Engelm. var. *pectinatus sensu* Kearney and Peebles, Arizona Flora, and L. Benson, The Cacti of Arizona and The Cacti of the United States and Canada.
Echinocereus rigidissimus (Engelm.) Hort. F. A. Haage.
 Syn.: *Echinocereus pectinatus* (Scheidw.) Engelm. var. *rigidissimus* (Engelm.) Engelm. ex Rümpler–Rainbow cactus
Echinocereus triglochidiatus Engelm. var. *gonacanthus* (Engelm. & Bigel.) Boiss.
Echinocereus triglochidiatus Engelm. var. *melanacanthus* (Engelm.) L. Benson
 Syn.: *Mammillaria aggregata* Engelm.
Echinocereus triglochidiatus Engelm. var. *mojavensis* (Engelm.) L. Benson
Echinocereus triglochidiatus Engelm. var. *neomexicanus* (Standl.) Standl. ex W. T. Marshall.
 Syn.: *Echinocereus triglochidiatus* Engelm. var. *polyacanthus* (Engelm. 1859 non 1848) L. Benson
Echinocereus triglochidiatus Engelm. var. *triglochidiatus*
Echinomastus erectocentrus (Coul.) Britt. & Rose var. *erectocentrus*
 Syn.: *Neolloydia erectocentra* (Coul.) L. Benson var. *erectocentra*
Echinomastus intertextus (Engelm.) Britt. & Rose Syn.: *Neolloydia intertexta* (Engelm.) L. Benson
Echinomastus johnsonii (Parry) Baxter–Beehive cactus
 Syn.: *Neolloydia johnsonii* (Parry) L. Benson
Epithelantha micromeris (Engelm.) Weber ex Britt. & Rose
Ferocactus cylindraceus (Engelm.) Orcutt var. *cylindraceus*–Barrel cactus
 Syn.: *Ferocactus acanthodes* (Lemaire) Britt. & Rose var. *acanthodes*
Ferocactus cylindraceus (Engelm.) Orcutt var. *eastwoodiae* (Engelm.) N. P. Taylor
 Syn.: *Ferocactus acanthodes* (Lemaire) Britt. & Rose var. *eastwoodiae* L. Benson; *Ferocactus eastwoodiae* (L. Benson) L. Benson

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- Ferocactus cylindraceus* (Engelm.) Orcutt. var. *lecontei* (Engelm.) H. Bravo
 Syn.: *Ferocactus acanthodes* (Lemaire) Britt. & Rose var. *leconti* (Engelm.) Lindsay; *Ferocactus lecontei* (Engelm.) Britt. & Rose
- Ferocactus emoryi* (Engelm.) Orcutt–Barrel cactus
 Syn.: *Ferocactus covillei* Britt. & Rose
- Ferocactus wislizenii* (Engelm.) Britt. & Rose–Barrel cactus
- Lophocereus schottii* (Engelm.) Britt. & Rose–Senita
- Mammillaria grahamii* Engelm. var. *grahamii*
- Mammillaria grahamii* Engelm. var. *oliviae* (Orcutt) L. Benson
 Syn.: *Mammillaria oliviae* Orcutt
- Mammillaria heyderi* Mühlenpf. var. *heyderi*
 Syn.: *Mammillaria gummifera* Engelm. var. *applanata* (Engelm.) Benson
- Mammillaria heyderi* Mühlenpf. var. *macdougalii* (Rose) L. Benson
 Syn.: *Mammillaria gummifera* Engelm. var. *macdougalii* (Rose) L. Benson; *Mammillaria macdougalii* Rose
- Mammillaria heyderi* Mühlenpf. var. *meiacantha* (Engelm.) L. Benson
 Syn.: *Mammillaria gummifera* Engelm. var. *meiacantha* (Engelm.) L. Benson
- Mammillaria lasiacantha* Engelm.
- Mammillaria mainiae* K. Brand.
- Mammillaria microcarpa* Engelm.
- Mammillaria tetrancistra* Engelm.
- Mammillaria thornberi* Orcutt
- Mammillaria viridiflora* (Britt. & Rose) Bödeker.
 Syn.: *Mammillaria orestra* L. Benson
- Mammillaria wrightii* Engelm. var. *wilcoxii* (Toumey ex K. Schumann) W. T. Marshall
 Syn.: *Mammillaria wilcoxii* Toumey
- Mammillaria wrightii* Engelm. var. *wrightii*
- Opuntia acanthocarpa* Engelm. & Bigel. var. *acanthocarpa*–Buckhorn cholla
- Opuntia acanthocarpa* Engelm. & Bigel. var. *coloradensis* L. Benson
- Opuntia acanthocarpa* Engelm. & Bigel. var. *major* L. Benson
 Syn.: *Opuntia acanthocarpa* Engelm. & Bigel. var. *ramosa* Peebles
- Opuntia acanthocarpa* Engelm. & Bigel. var. *thornberi* (Thornber & Bonker) L. Benson
 Syn.: *Opuntia thornberi* Thornber & Bonker
- Opuntia arbuscula* Engelm.–Pencil cholla
- Opuntia basilaris* Engelm. & Bigel. var. *aurea* (Baxter) W. T. Marshall–Yellow beavertail
 Syn.: *Opuntia aurea* Baxter
- Opuntia basilaris* Engelm. & Bigel. var. *basilaris*–Beavertail cactus
- Opuntia basilaris* Engelm. & Bigel. var. *longiareolata* (Clover & Jotter) L. Benson
- Opuntia basilaris* Engelm. & Bigel. var. *treleasei* (Coul.) Toumey
- Opuntia bigelovii* Engelm.–Teddy-bear cholla
- Opuntia campii* ined.
- Opuntia canada* Griffiths (*O. phaeacantha* Engelm. var. *laevis* X *major* and *O. gilvescens* Griffiths).
- Opuntia chlorotica* Engelm. & Bigel.–Pancake prickly-pear
- Opuntia clavata* Engelm.–Club cholla
- Opuntia curvospina* Griffiths
- Opuntia echinocarpa* Engelm. & Bigel–Silver cholla
- Opuntia emoryi* Engelm.–Devil cholla
 Syn.: *Opuntia stanlyi* Engelm. ex B. D. Jackson var. *stanlyi*
- Opuntia engelmannii* Salm-Dyck ex Engelm. var. *engelmannii*–Engelmann’s prickly-pear
 Syn.: *Opuntia phaeacantha* Engelm. var. *discata* (Griffiths) Benson & Walkington
- Opuntia engelmannii* Salm-Dyck ex Engelm. var. *flavospina* (L. Benson) Parfitt & Pinkava
 Syn.: *Opuntia phaeacantha* Engelm. var. *flavispina* L. Benson
- Opuntia erinacea* Engelm. & Bigel. var. *erinacea*–Mohave prickly-pear
- Opuntia erinacea* Engelm. & Bigel. var. *hystricina* (Engelm. & Bigel.) L. Benson
 Syn.: *Opuntia hystricina* Engelm. & Bigel.
- Opuntia erinacea* Engelm. & Bigel. var. *ursina* (Weber) Parish–Grizzly bear prickly-pear
 Syn.: *Opuntia ursina* Weber
- Opuntia erinacea* Engelm. & Bigel. var. *utahensis* (Engelm.) L. Benson
 Syn.: *Opuntia rhodantha* Schum.
- Opuntia fragilis* Nutt. var. *brachyarthra* (Engelm. & Bigel.) Coult.

- Opuntia fragilis* Nutt. var. *fragilis*—Little prickly-pear
Opuntia fulgida Engelm. var. *fulgida*—Jumping chain-fruit cholla
Opuntia fulgida Engelm. var. *mammillata* (Schott) Coult.
Opuntia imbricata (Haw.) DC.—Tree cholla
Opuntia X kelvinensis V. & K. Grant pro sp.
 Syn.: *Opuntia kelvinensis* V. & K. Grant
Opuntia kleiniae DC. var. *tetracantha* (Toumey) W. T. Marshall
 Syn.: *Opuntia tetrancistra* Toumey
Opuntia kunzei Rose.
 Syn.: *Opuntia stanlyi* Engelm. ex B. D. Jackson var. *kunzei* (Rose) L. Benson; *Opuntia kunzei* Rose var. *wrightiana* (E. M. Baxter) Peebles; *Opuntia wrightiana* E. M. Baxter
Opuntia leptocaulis DC.—Desert Christmas cactus, Pencil cholla
Opuntia littoralis (Engelm.) Cockl. var. *vaseyi* (Coult.) Benson & Walkington
Opuntia macrocentra Engelm.—Purple prickly-pear
 Syn.: *Opuntia violacea* Engelm. ex B. D. Jackson var. *macrocentra* (Engelm.) L. Benson; *Opuntia violacea* Engelm. ex B. D. Jackson var. *violacea*
Opuntia macrorhiza Engelm. var. *macrorhiza*—Plains prickly-pear
 Syn.: *Opuntia plumbea* Rose
Opuntia macrorhiza Engelm. var. *pottsii* (Salm-Dyck) L. Benson
Opuntia martiniana (L. Benson) Parfitt
 Syn.: *Opuntia littoralis* (Engelm.) Cockerell var. *martiniana* (L. Benson) L. Benson; *Opuntia macrocentra* Engelm. var. *martiniana* L. Benson
Opuntia nicholii L. Benson—Navajo Bridge prickly-pear
Opuntia parishii Orcutt.
 Syn.: *Opuntia stanlyi* Engelm. ex B. D. Jackson var. *parishii* (Orcutt) L. Benson
Opuntia phaeacantha Engelm. var. *laevis* (Coult.) L. Benson
 Syn.: *Opuntia laevis* Coult.
Opuntia phaeacantha Engelm. var. *major* Engelm.
Opuntia phaeacantha Engelm. var. *phaeacantha*
Opuntia phaeacantha Engelm. var. *superbospina* (Griffiths) L. Benson
Opuntia polyacantha Haw. var. *juniperina* (Engelm.) L. Benson
Opuntia polyacantha Haw. var. *rufispina* (Engelm.) L. Benson
Opuntia polyacantha Haw. var. *trichophora* (Engelm. & Bigel.) L. Benson
Opuntia pulchella Engelm.—Sand cholla
Opuntia ramosissima Engelm.—Diamond cholla
Opuntia santa-rita (Griffiths & Hare) Rose—Santa Rita prickly-pear
 Syn.: *Opuntia violacea* Engelm. ex B. D. Jackson var. *santa-rita* (Griffiths & Hare) L. Benson
Opuntia spinosior (Engelm.) Toumey—Cane cholla
Opuntia versicolor Engelm.—Staghorn cholla
Opuntia vivipara Engelm.
Opuntia whipplei Engelm. & Bigel. var. *multigeniculata* (Clokey) L. Benson
Opuntia whipplei Engelm. & Bigel. var. *whipplei*—Whipple cholla
Opuntia wigginsii L. Benson
Pediocactus papyracanthus (Engelm.) L. Benson Grama grass cactus
 Syn.: *Toumeyia papyracanthus* (Engelm.) Britt. & Rose
Pediocactus simpsonii (Engelm.) Britt. & Rose var. *simpsonii*
Peniocereus greggii (Engelm.) Britt. & Rose var. *greggii*—Night-blooming cereus
 Syn.: *Cereus greggii* Engelm.
Peniocereus greggii (Engelm.) Britt. & Rose var. *transmontanus*—Queen-of-the-Night
Peniocereus striatus (Brandege) Buxbaum.
 Syn.: *Neoevansia striata* (Brandege) Sanchez-Mejorada; *Cereus striatus* Brandege; *Wilcoxia diguetii* (Webber) Peebles
Sclerocactus parviflorus Clover & Jotter var. *intermedius* (Peebles) Woodruff & L. Benson
 Syn.: *Sclerocactus intermedius* Peebles
Sclerocactus parviflorus Clover & Jotter var. *parviflorus*
 Syn.: *Sclerocactus whipplei* (Engelm. & Bigel.) Britt. & Rose var. *roseus* (Clover) L. Benson
Sclerocactus pubispinus (Engelm.) L. Peebles
Sclerocactus spinosior (Engelm.) Woodruff & L. Benson
 Syn.: *Sclerocactus pubispinus* (Engelm.) L. Benson var. *sileri* L. Benson

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Sclerocactus whipplei (Engelm. & Bigel.) Britt. & Rose
Stenocereus thurberi (Engelm.) F. Buxbaum—Organ pipe cactus
Syn.: *Cereus thurberi* Engelm.; *Lemaireocereus thurberi* (Engelm.) Britt. & Rose

CAMPANULACEAE Bellflower Family

Lobelia cardinalis L. ssp. *graminea* (Lam.) McVaugh—Cardinal flower
Lobelia fenestralis Cav.—Leafy lobelia
Lobelia laxiflora H. B. K. var. *angustifolia* A. DC.

CAPPARACEAE Cappar Family [=Capparidaceae]

Cleome multicaulis DC.—Playa spiderflower

CHENOPODIACEAE Goosefoot Family

Atriplex hymenelytra (Torr.) Wats.

CRASSULACEAE Stonecrop Family

Dudleya arizonica (Nutt.) Britt. & Rose
Syn.: *Echeveria pulverulenta* Nutt. ssp. *arizonica* (Rose) Clokey
Dudleya saxosa (M.E. Jones) Britt. & Rose ssp. *collomiae* (Rose) Moran
Syn.: *Echeveria collomiae* (Rose) Kearney & Peebles
Graptopetalum bartramii Rose
Syn.: *Echeveria bartramii* (Rose) K. & P.
Graptopetalum bartramii Rose—Bartram’s stonecrop, Bartram’s live-forever
Syn.: *Echeveria bartramii* (Rose) Kearney & Peebles
Graptopetalum rusbyi (Greene) Rose
Syn.: *Echeveria rusbyi* (Greene) Nels. & Macbr.
Sedum cockerellii Britt.
Sedum griffithsii Rose
Sedum lanceolatum Torr.
Syn.: *Sedum stenopetalum* Pursh
Sedum rhodanthum Gray
Sedum stelliforme Wats.

CROSSOSOMATAACEAE Crossosoma Family

Apacheria chiricahuensis C. T. Mason—Chiricahua rock flower

CUCURBITACEAE Gourd Family

Tumamoca macdougalii Rose—Tumamoc globeberry

EUPHORBIACEAE Spurge Family

Euphorbia plummerae Wats.—Woodland spurge
Sapium biloculare (Wats.) Pax—Mexican jumping-bean

FABACEAE Pea Family [=Leguminosae]

Astragalus corbrensis Gray var. *maguirei* Kearney
Astragalus cremnophyllax Barneby var. *myriorrhaphis* Barneby—Cliff milk-vetch
Astragalus hypoxylus Wats.—Huachuca milk-vetch
Astragalus nutriosensis Sanderson—Nutrioso milk-vetch
Astragalus xiphoides (Barneby) Barneby—Gladiator milk-vetch
Cercis occidentalis Torr.—California redbud
Errazurizia rotundata (Woot.) Barneby
Syn.: *Parryella rotundata* Woot.
Lysiloma microphylla Benth. var. *thorneri* (Britt. & Rose) Isely—Feather bush
Syn.: *Lysiloma thorneri* Britt. & Rose
Phaseolus supinus Wiggins & Rollins

FOUQUIERIAACEAE Ocotillo Family

Fouquieria splendens Engelm.—Ocotillo, coach-whip, monkey-tail

GENTIANACEAE Gentian Family

Gentianella wislizenii (Engelm.) J. Gillett
Syn.: *Gentiana wislizenii* Engelm.

LAMIACEAE Mint Family

Hedeoma diffusum Green—Flagstaff pennyroyal
Salvia dorrii ssp. *mearnsii*

Trichostema micranthum Gray

LILIACEAE Lily Family

Allium acuminatum Hook.

Allium bigelovii Wats.

Allium biseptum Wats. var. *palmeri* (Wats.) Cronq.

Syn.: *Allium palmeri* Wats.

Allium cernuum Roth. var. *neomexicanum* (Rydb.) Macbr.–Nodding onion

Allium cernuum Roth. var. *obtusum* Ckll.

Allium geayeri Wats. var. *geayeri*

Allium geayeri Wats. var. *tenerum* Jones

Allium kunthii Don

Allium macropetalum Rydb.

Allium nevadense Wats. var. *cristatum* (Wats.) Ownbey

Allium nevadense Wats. var. *nevadense*

Allium parishii Wats.

Allium plummerae Wats.

Allium rhizomatum Woot. & Standl. Incl.: *Allium glandulosum* Link & Otto *sensu* Kearney & Peebles

Androstephium breviflorum Wats.–Funnel-lily

Calochortus ambiguus (Jones) Ownbey

Calochortus aureus Wats.

Syn.: *Calochortus nuttallii* Torr. & Gray var. *aureus* (Wats.) Ownbey

Calochortus flexuosus Wats.–Straggling mariposa

Calochortus gunnisonii Wats.

Calochortus kennedyi Porter var. *kennedyi*–Desert mariposa

Calochortus kennedyi Porter var. *munzii* Jeps.

Dichelostemma pulchellum (Salisbi) Heller var. *pauciflorum* (Torr.) Hoover

Disporum trachycarpum (Wats.) Benth. & Hook. var. *subglabrum* Kelso

Disporum trachycarpum (Wats.) Benth. & Hook. var. *trachycarpum*

Echeandia flavescens (Schultes & Schultes) Cruden

Syn.: *Anthericum torreyi* Baker

Eremocrinum albomarginatum Jones

Fritillaria atropurpurea Nutt.

Hesperocallis undulata Gray–Ajo lily

Lilium parryi Wats.–Lemon lily

Lilium umbellatum Pursh

Maianthemum racemosum (L.) Link. ssp. *amplexicaule* (Nutt.) LaFrankie

Syn.: *Smilacina racemosa* (L.) Desf. var. *amplexicaulis* (Nutt.) Wats.

Maianthemum racemosum (L.) Link ssp. *racemosum*–False Solomon’s seal

Syn.: *Smilacina racemosa* (L.) Desf. var. *racemosa*; *Smilacina racemosa* (L.) Desf. var. *cylindrata* Fern.

Maianthemum stellatum (L.) Link

Syn.: *Smilacina stellata* (L.) Desf.–Starflower

Milla biflora Cav.–Mexican star

Nothoscordum texanum Jones

Polygonatum cobrense (Woot. & Standl.) Gates

Streptopus amplexifolius (L.) DC.–Twisted stalk

Triteleia lemmonae (Wats.) Greene

Triteleopsis palmeri (Wats.) Hoover

Veratrum californicum Durand.–False hellebore

Zephyranthes longifolia Hemsl.–Plains rain lily

Zigadenus elegans Pursh–White camas, alkali-grass

Zigadenus paniculatus (Nutt.) Wats.–Sand-corn

Zigadenus virescens (H. B. K.) Macbr.

MALVACEAE Mallow Family

Abutilon parishii Wats.–Tucson Indian mallow

Abutilon thurberi Gray–Baboquivari Indian mallow

NOLINACEAE Nolina

Dasyliirion wheeleri Wats.–Sotol, desert spoon

Nolina bigelovii (Torr.) Wats.–Bigelow’s nolina
Nolina microcarpa Wats.–Beargrass, sacahuista
Nolina parryi Wats.–Parry’s nolina
Nolina texana Wats. var. *compacta* (Trel.) Johnst.– Bunchgrass

ONAGRACEAE Evening Primrose Family

Camissonia exilis (Raven) Raven

ORCHIDACEAE Orchid Family

Calypso bulbosa (L.) Oakes var. *americana* (R. Br.) Luer
Coeloglossum viride (L.) Hartmann var. *virescens* (Muhl.) Luer
Syn.: *Habenaria viridis* (L.) R. Br. var. *bracteata* (Muhl.) Gray
Corallorhiza maculata Raf.–Spotted coral root
Corallorhiza striata Lindl.–Striped coral root
Corallorhiza wisteriana Conrad–Spring coral root
Epipactis gigantea Douglas ex Hook.–Giant helleborine
Goodyera oblongifolia Raf.
Goodyera repens (L.) R. Br.
Hexalectris spicata (Walt.) Barnhart–Crested coral root
Listera convallarioides (Swartz) Nutt.–Broad-leaved twayblade
Malaxis corymbosa (S. Wats.) Kuntze
Malaxis ehrenbergii (Reichb. f.) Kuntze
Malaxis macrostachya (Lexarza) Kuntze–Mountain malaxia
Syn.: *Malaxis soulei* L. O. Williams
Malaxis tenuis (S. Wats.) Ames
Platanthera hyperborea (L.) Lindley var. *gracilis* (Lindley) Luer
Syn.: *Habenaria sparsiflora* Wats. var. *laxiflora* (Rydb.) Correll
Platanthera hyperborea (L.) Lindley var. *hyperborea*–Northern green orchid
Syn.: *Habenaria hyperborea* (L.) R. Br.
Platanthera limosa Lindl.–Thurber’s bog orchid
Syn.: *Habenaria limosa* (Lindley) Hemsley
Platanthera sparsiflora (Wats.) Schlechter var. *ensifolia* (Rydb.) Luer
Platanthera sparsiflora (Wats.) var. *laxiflora* (Rydb.) Correll
Platanthera sparsiflora (Wats.) Schlechter var. *sparsiflora*–Sparsely-flowered bog orchid
Syn.: *Habenaria sparsiflora* Wats.
Platanthera stricta Lindl.–Slender bog orchid
Syn.: *Habenaria saccata* Greene; *Platanthera saccata* (Greene) Hulten
Platanthera viridis (L.) R. Br. var. *bracteata* (Muhl.) Gray–Long-bracted habenaria
Spiranthes michauxiana (La Llave & Lex.) Hemsl.
Spiranthes parasitica A. Rich. & Gal.
Spiranthes romanzoffiana Cham.–Hooded ladies tresses

PAPAVERACEAE Poppy Family

Arctomecon californica Torr. & Frém.–Golden-bear poppy, Yellow-flowered desert poppy

PINACEAE Pine Family

Pinus aristata Engelm.–Bristlecone pine

POLYGONACEAE Buckwheat Family

Eriogonum apachense Reveal
Eriogonum capillare Small
Eriogonum mortonianum Reveal–Morton’s buckwheat
Eriogonum ripleyi J. T. Howell–Ripley’s wild buckwheat, Frazier’s Well buckwheat
Eriogonum thompsonae Wats. var. *atwoodii* Reveal–Atwood’s buckwheat

PORTULACACEAE Purslane Family

Talinum humile Greene–Pinos Altos flame flower
Talinum marginatum Greene
Talinum validulum Greene–Tusayan flame flower

PRIMULACEAE Primrose Family

Dodecatheon alpinum (Gray) Greene ssp. *majus* H. J. Thompson
Dodecatheon dentatum Hook. ssp. *ellisiae* (Standl.) H. J. Thompson

Dodecatheon pulchellum (Raf.) Merrill

Primula hunnewellii Fern.

Primula rusbyi Greene

Primula specuicola Rydb.

RANUNCULACEAE Buttercup Family

Aquilegia caerulea James ssp. *pinetorum* (Tidest.) Payson–Rocky Mountain Columbine

Aquilegia chrysantha Gray

Aquilegia desertorum (Jones) Ckll.–Desert columbine, Mogollon columbine

Aquilegia elegantula Greene

Aquilegia longissima Gray–Long Spur Columbine

Aquilegia micrantha Eastw.

Aquilegia triternata Payson

ROSACEAE Rose Family

Rosa stellata Woot.–ssp. *abyssa* A. Phillips Grand Canyon rose

Vauquelinia californica (Torr.) Sarg. ssp. *pauciflora* (Standl.) Hess & Henrickson–Few-flowered Arizona rose-wood

SCROPHULARIACEAE Figwort Family

Castilleja mogollonica Pennell

Penstemon albomarginatus Jones

Penstemon bicolor (Brandeg.) Clokey & Keck ssp. *roseus* Clokey & Keck

Penstemon clutei A. Nels.

Penstemon distans N. Holmgren–Mt. Trumbull beardtongue

Penstemon linarioides spp. *maguirei*

SIMAROUBACEAE Simarouba Family

Castela emoryi (Gray) Moran & Felger–Crucifixion thorn

Syn.: *Holacantha emoryi* Gray

STERCULIACEAE Cacao Family

Fremontodendron californicum (Torr.) Coville–Flannel bush

- C. ~~Salvage Assessed Protected Native Plants. The following list includes those species of native plants that are not included in either the highly safeguarded or salvage restricted category but have a sufficient value if salvaged to support the cost of salvage.~~ Salvage assessed native plants as prescribed in A.R.S. § 3-903(B)(3) that require a permit for removal:

BIGNONIACEAE Bignonia Family

Chilopsis linearis (Cav.) Sweet var. *arcuata* Fosberg–Desert-willow

Chilopsis linearis (Cav.) Sweet var. *glutinosa* (Engelm.) Fosberg

FABACEAE Pea Family [=Leguminosae]

Cercidium floridum Benth.–Blue palo verde

Cercidium microphyllum (Torr.) Rose & Johnst.–Foothill palo verde

Olneya tesota Gray–Desert ironwood

Prosopis glandulosa Torr. var. *glandulosa*–Honey mesquite

Syn.: *Prosopis juliflora* (Swartz) DC. var. *glandulosa* (Torr.) Ckll.

Prosopis glandulosa Torr. var. *torreyana* (Benson) M. C. Johnst.–Western honey mesquite

Syn.: *Prosopis juliflora* (Swartz) DC. var. *torreyana* Benson

Prosopis pubescens Benth.–Screwbean mesquite

Prosopis velutina Woot.–Velvet mesquite

Syn.: *Prosopis juliflora* (Swartz) DC. var. *velutina* (Woot.) Sarg.

Psoralea spinosa (Gray) Barneby–Smoke tree.

Syn.: *Dalea spinosa* Gray

- D. ~~Harvest Restricted Protected Native Plants. The following list includes those species of native plants that are not included in the highly safeguarded category but are subject to excessive harvesting or overcutting because of their intrinsic value.~~ Harvest restricted native plants as prescribed at A.R.S. § 3-903(B)(4) that requires a permit to remove a native plant, the by-product, fiber, or woody part of the plant:

AGAVACEAE Agave Family (including Nolinaceae)

Nolina bigelovii (Torr.) Wats.–Bigelow's nolina

Nolina microcarpa Wats.–Beargrass, sacahuista

Nolina parryi Wats.–Parry's nolina

Nolina texana Wats. var. *compacta* (Trel.) Johnst.–Bunchgrass

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Yucca baccata Torr. var. baccata–Banana yucca
Yucca schidigera Roetzl.–Mohave yucca, Spanish dagger

FABACEAE Pea Family [=Leguminosae]

Olneya tesota Gray–Desert ironwood

Prosopis glandulosa Torr. var. glandulosa–Honey mesquite

Syn.: Prosopis juliflora (Swartz) DC. var. glandulosa (Torr.) Ckll.

Prosopis glandulosa Torr. var. torreyana (Benson) M. C. Johnst.–Western honey mesquite

Syn.: Prosopis juliflora (Swartz) DC. var. torreyana Benson

Prosopis pubescens Benth.–Screwbean mesquite

Prosopis velutina Woot.–Velvet mesquite

Syn.: Prosopis juliflora (Swartz) DC. var. velutina (Woot.) Sarg.

NOTICE OF PROPOSED RULEMAKING

TITLE 17. TRANSPORTATION

CHAPTER 9. DEPARTMENT OF ADMINISTRATION
SCHOOL BUSES

[R07-367]

PREAMBLE

1. Sections Affected

R17-9-101
R17-9-102
R17-9-103
R17-9-104
R17-9-105
R17-9-106
R17-9-107
R17-9-108
R17-9-110

Rulemaking Action

Amend
Amend
Amend
Amend
Amend
Amend
Amend
Amend
Amend

2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statute: A.R.S. §§ 28-900 and 28-3228

Implementing statute: A.R.S. §§ 28-900 and 28-3228

3. List of all previous notices appearing in the register addressing the proposed rules:

Notice of Rulemaking Docket Opening: 13 A.A.R. 3767, November 9, 2007

4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Kathy I. Zatari
Address: 100 N. 15th Ave., Suite 402
Phoenix, AZ 85007
Telephone: (602) 542-1967
Fax: (602) 542-1486
E-mail: Kathy.Zatari@azdoa.gov

5. An explanation of the rules, including the agency’s reasons for initiating the rules:

This rulemaking contains numerous changes to Article 1, Minimum Standards. First, in R17-9-101, definitions for Type A, Type B, Type C and Type D school buses will be amended, to more consistently conform to industry standards. The definition of “Forward control chassis” will be repealed, because the proposed amendments to school bus types make that subsection unnecessary. The Code of Federal Regulations incorporation by reference will also be updated. Finally, amendments are being made to update numeric references in certain subsections.

R17-9-102 will be amended to include additional bases for denial, cancellation or suspension of a school bus driver’s certificate. These additional grounds are included to ensure the safety and welfare of students, teachers, school bus

drivers or others who may be passengers. The Arizona Department of Public Safety has been faced with a number of incidents involving school bus drivers in recent years that have impacted the safety and welfare of their passengers. The handling of these incidents is not sufficiently addressed in the current rules. The Department believes the proposed additions will permit it to more thoroughly address denial, cancellation or suspension issues in a wider variety of circumstances involving passenger safety. The Code of Federal Regulations incorporations by reference will also be updated.

R17-9-103(A)(2)(a) will be amended to correct a clerical error, and to provide the correct reference to the written examination questions for instructor qualifications.

R17-9-104 will be amended to incorporate school bus driver responsibilities in operating the noise suppression switch while the school bus is stopped at a railroad grade crossing. This addition is made in response to correspondence from the National Transportation Safety Board, indicating that it believes Arizona should more thoroughly set forth procedures that shall be followed by the school bus driver at railroad crossings. This rule will also be amended to more clearly explain the requirements for both passengers and non-passengers to comply with instructions given by the school bus driver and to set forth actions the driver may take should his or her instructions not be followed. This amendment is made in response to requests by several school districts as a result of incidents involving unruly passengers and non-passengers, where the districts' drivers believed their authority was not clearly set forth in existing rule. Further, this rule will be amended to address school bus drivers' use of cell phones, Bluetooth devices, and other interactive wireless technology, while the school bus is in operation. This amendment is made in response to concerns raised by school district personnel, citing safety issues caused by driver inattention. Additionally, this rule will be amended to require the school bus driver to complete all child alert notification system procedures, if a school bus is equipped with this system. Finally, amendments are being made to update numeric references in certain subsections.

R17-9-105 will be amended to clarify provisions regarding belt cutters, special service entrance doors, wheelchair securement systems and passenger restraints, and International Symbol for Accessibility emblems. This rule will also be amended to remove the requirement for a second battery on special needs school buses. These amendments are being made in response to safety concerns raised by school district personnel, and for consistency with current industry standards.

R17-9-106 will be amended to clarify numerous provisions regarding the school bus chassis, including brake systems, electrical systems, frame components, instruments and instrument panel, and suspension systems. This rule will also be amended to permit an optional child alert notification system. These amendments are being made in response to safety concerns raised by school district personnel and school bus manufacturers, and for consistency with current industry standards. Incorporations by reference for both the Code of Federal Regulations and the Society of Automotive Engineers, Inc. citations will also be updated. Finally, an amendment is being made to update a numeric reference in a subsection.

R17-9-107 will be amended to clarify numerous provisions regarding the school bus body, including auxiliary fans, batteries, belt cutters, circuits, emergency exits, locking devices, fire extinguishers, heating systems, identification signage, lamps, school bus length, seats, stop signal arms, tail pipes and undercoating. This rule will also be amended to require a noise suppression switch. Finally, this rule will be amended to set forth minimum standards for both air conditioning systems and crossing control arms. These amendments are being made in response to safety and operational concerns raised by school district personnel and school bus manufacturers, and for consistency with current industry standards. Incorporations by reference for the Code of Federal Regulations, the National Fire Protection Association, Inc., and the Society of Automotive Engineers, Inc. citations will also be updated. Finally, amendments are being made to update numeric references in certain subsections.

R17-9-108 will be amended to clarify numerous provisions regarding the inspection and maintenance of school buses. These provisions include amendments to current out-of-service criteria (including major and minor defects) for the following items: air conditioning system (if installed), back-up alarm (if installed), body fluid cleanup kit, brakes, crossing control arm (if installed), emergency warning devices, emergency exits, exhaust systems, heating systems, instruments and instrument panel, interior seats and floor coverings, lamps, mirrors, noise suppression switches, rub rails, seat belts, service doors, special needs school buses, stop signal arms, suspension systems, windshields and windows, and wiring systems. This rule will also be amended to provide a minor change to the annual inspection provision, and to the list of items to be inspected by the school bus driver. These inspection items are being amended to include the optional child alert notification switch, optional crossing control arm, optional air conditioning system, and the required noise suppression switch. These amendments are being made in response to safety and operational concerns raised by school district personnel, the Department of Public Safety, and school bus manufacturers; the amendments are also being made to comply with current industry standards. Amendments are also being made to the inspection chart, to update numeric subsection references in the inspection chart.

Finally, R17-9-110 will be amended to clarify provisions regarding adhesive bandages included in first aid kits. This amendment is being made in response to concerns raised by school district personnel. An amendment is also being made to update a numeric reference in a subsection.

Notices of Proposed Rulemaking

6. A reference to any study that the agency proposes to rely on in its evaluation of or justification for the proposed rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:

None

7. A showing of good cause why the rules are necessary to promote a statewide interest if the rules will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:

Annual cost/revenue changes are designated as minimal when less than \$1,000, moderate when between \$1,000 and \$10,000, and substantial when greater than \$10,000. Cost/revenue changes are described as significant when meaningful or important, but not readily quantifiable.

The proposed rulemaking contains a number of changes for clarity, for conformity with current industry standards, and for safety considerations. The Department expects to incur minimal costs in enforcement of the new rules; however, it also anticipates significant benefits from the new rules, due to their increased clarity, consistency with current industry standards, and concern with safety issues.

Amendments to certain definitions are made to update Code of Federal Regulations (CFR) incorporations by reference, and to conform to current manufacturing industry standards. The CFR updates do not require changes to Department practice under the current rule. Further, amendments to definitions of school bus types reflect current manufacturer specifications. The Department expects these amendments to have no economic impact on school districts.

Amendments to certain subsections of the school bus driver certification rule are being made to update CFR incorporations by reference, and to expand the bases for denial, revocation, or suspension of a school bus driver's certification. The CFR updates do not require changes to Department practice under the current rule. There may be a moderate economic impact on school bus drivers who have their licenses denied, revoked or suspended based on the additional grounds set forth in the proposed rulemaking. In this rulemaking, the Department has included as bases for denial, revocation, or suspension additional provisions regarding moving violations, positive drug testing results, driver conduct that endangers school children and others, and harmful behavior taking place whether or not the school bus driver is operating the school bus. However, the Department believes the amendments effectively respond to safety concerns raised by school district personnel, and that there will be a significant safety benefit to school children and the public.

The proposed rulemaking also corrects a clerical error to a subsection citation for the rule for qualification of instructors. This amendment will not result in an economic impact, either benefit or cost, to the Department, school districts, school bus drivers or passengers, or the public.

The Department has also clarified and expanded the rule setting forth the authority, duties and responsibilities of the school bus driver. The proposed rulemaking adds requirements regarding operation of the noise suppression switch and the optional child alert notification system. The amendments also limit the school bus driver's use of the two-way radio for transportation purposes, and expand the prohibition against use of cell phones to include Bluetooth and other wireless communication devices, whether or not hands-free. Finally, the proposed rulemaking clarifies the school bus driver's authority to seek assistance in response to passengers and non-passengers who fail to comply with the driver's instructions. None of these amendments will result in an economic impact, either benefit or cost, to school districts, school bus companies, manufacturers, school bus drivers or passengers, or the public. The Department may incur minimal expense in educating school district personnel and school bus drivers about the new requirements.

The Department is making several amendments to the rule for special needs school buses, including language clarifying the location of belt cutters, and language clarifying special service entrances. Neither of these items is expected to result in either an economic benefit or cost to school districts, because there are no substantive changes to these two requirements. Further, the proposed rulemaking removes the requirement of a second battery for wheelchair lifts. This amendment is being made to conform to current school bus manufacturing standards. Battery manufacturers may incur a minimal to moderate loss of revenue as a result of this change. However, school districts should gain a minimal to moderate economic benefit. The Department is also amending the rule to require a second International Symbol of Accessibility emblem; this requirement should result in a minimal economic benefit to manufacturers and a minimal economic cost to school districts. Finally, the Department is amending the rule to require an "L-track" wheelchair-securement system. Manufacturers may see moderate to substantial economic gains, while school districts may incur moderate to substantial economic costs in installing these systems. Nonetheless, the Department has determined that the "L-track" system is not only the safest system, but also one that accommodates the greatest number of wheelchair types.

The proposed rulemaking also includes a number of amendments to the minimum standards for school bus chassis. First, the Department is including a provision for an optional child alert notification system. Because it is designated as an option rather than a requirement, this provision should have no economic impact on either manufacturers or

school districts. Similarly, CFR incorporations by reference updated in this rule should have no economic impact on the Department, school districts, school bus companies, or manufacturers, since they do not change Department practice. However, the Department is including amendments requiring changes to brake systems, alternators, batteries, frames, odometers, and suspension systems provisions. There may be minimal to moderate costs to school districts to comply with these requirements, while manufacturers and installers may see minimal to moderate increases in revenues. However, these requirements are being added so that school bus chassis comply with current manufacturer industry standards, and to ensure the safe operation of the vehicle. Finally, the Department is amending the subsection on transmissions, to correct a clerical error. This amendment should have no economic impact on the Department, school districts, manufacturers, or the public.

The proposed rulemaking further includes amendments to the minimum standards for a school bus body. First, the Department is adding rules regarding air conditioning systems, route signage and crossing control arms. These provisions designate these items as optional, and thus no economic impact should be seen regarding these three options. The Department is also amending language to clarify the requirements for auxiliary fans, batteries, overall school bus length, emergency exits, service doors and undercoating. No substantive requirements are being added to these subsections; there should be no economic impact as a result of these changes. Additionally, the CFR incorporations by reference citations for this rule are being updated; however, these updates do not change the Department's existing practice, and should result in no economic impact. The Department is amending requirements regarding belt cutters, defrosters, electrical wiring, fire extinguishers, warning devices, heating systems, lamps, seat spacing, stop signal arms and tailpipes, to conform to current manufacturing industry standards, to address new technology, and to address safety concerns raised by school district personnel. These amendments may result in minimal to moderate economic costs to school districts, while manufacturers and installers may see minimal to moderate revenue increases. Finally, the Department is requiring that school buses be equipped with noise suppression switches. While there may be moderate economic costs incurred by school districts for these devices, the Department believes that proper safety procedures to be followed at railroad crossings justify this added expense. There may be a minimal to moderate economic impact, in the form of increased revenues to manufacturers and installers of these devices.

Additionally, the Department is amending a number of provisions regarding inspection and maintenance of school buses. Specifically, the proposed rulemaking adds a number of out-of-service criteria (Major Defects) for optional air conditioning systems and crossing control arms, and also for brake systems, emergency exits, exhaust systems, instrument panels, seats, floor coverings, lamps, mirrors, noise suppression switch, restraining barriers, rub rails, service doors, stop signal arms, windshield wipers and wiring systems. Further, the Department is amending other criteria (Minor Defects), which do not place school buses out-of-service, but that must be repaired within 15 working days. The proposed rulemaking includes amendments for optional air conditioning systems and crossing control arms, back-up alarms, brakes, emergency exits, heating systems, instrument panels, lamps, seats, special needs school buses, and windshields. These amendments may result in minimal to moderate costs to school districts to ensure that their buses remain in service; however, the Department believes safety considerations outweigh the potential economic impact to school districts. The Department is inserting language clarifying the annual inspection it performs on school buses, to conform to its scheduling procedures. This amendment should result in no economic impact to school districts, manufacturers, or the public, since the Department will continue to perform inspections on an annual basis. Finally, the proposed rulemaking clarifies language describing the operations checks to be performed by the school bus driver daily, and also includes the mandatory or optional items added to this rulemaking, such as air conditioning systems, crossing control arms, child alert notification systems, and noise control suppression switches. These amendments should have no economic impact on school district personnel or the public, since they are included as part of the normal, daily inspection procedure.

The final amendment in the proposed rulemaking clarifies the description of items to be included in the rule covering first aid equipment. There is no substantive change in this amendment, and no economic impact should result.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Kathy I. Zatari
Address: 100 N. 15th Ave., Suite 402
Phoenix, AZ 85007
Telephone: (602) 542-1967
Fax: (602) 542-1486
E-mail: Kathy.Zatari@azdoa.gov

10. The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rules or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rules:

An oral proceeding will be held as follows:

Date: December 19, 2007
Time: 9:00 a.m.

Notices of Proposed Rulemaking

Location: Department of Administration, Room 402
100 N. 15th Ave.
Phoenix, AZ 85007

Written comments may be submitted to the person listed in item 4 until 5 p.m. on December 19, 2007.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None

12. Incorporations by reference and their location in the rules:

U.S. Department of Transportation, Federal Highway Administration, 49 CFR 382, (October 2006), incorporated at R17-9-101 and R17-9-102

U.S. Department of Transportation, Federal Highway Administration, 49 CFR 40, (October 2006), incorporated at R17-9-101 and R17-9-102

Society of Automotive Engineers, Inc., Standard J180 (January 2002), incorporated at R17-9-106

Society of Automotive Engineers, Inc., Standard J377 (March 2001), incorporated at R17-9-106

Society of Automotive Engineers, Inc., Standard J639 (June 2005), incorporated at R17-9-107

Society of Automotive Engineers, Inc., Standard J1133 (November 2004), incorporated at R17-9-107

Society of Automotive Engineers, Inc., Standard J381 (September 2000), incorporated at R17-9-107

Society of Automotive Engineers, Inc., Standard J382 (September 2000), incorporated at R17-9-107

National Fire Protection Association, Inc., NFPA 10 (2006), incorporated at R17-9-107

U.S. Department of Transportation, Federal Highway Administration, 49 CFR 571 (October 2006), incorporated at R17-9-107

Society of Automotive Engineers, Inc., Standard J2233 (June 2002), incorporated at R17-9-107

U.S. Department of Transportation, Federal Highway Administration, 49 CFR 393 (October 2006), incorporated at R17-9-107

13. The full text of the rules follows:

TITLE 17. TRANSPORTATION

**CHAPTER 9. DEPARTMENT OF ADMINISTRATION
SCHOOL BUSES**

ARTICLE 1. SCHOOL BUS MINIMUM STANDARDS

Section

- R17-9-101. Definitions
- R17-9-102. Certification of School Bus Drivers
- R17-9-103. Qualification of Classroom and Behind-the-wheel Instructors
- R17-9-104. Minimum Standards for School Bus Operation
- R17-9-105. Special Needs Standards
- R17-9-106. Minimum Standards for School Bus Chassis
- R17-9-107. Minimum Standards for School Bus Body
- R17-9-108. Inspection, Maintenance, and Alterations
- R17-9-110. First-aid Equipment

ARTICLE 1. SCHOOL BUS MINIMUM STANDARDS

R17-9-101. Definitions

In this Chapter, unless otherwise specified:

“Accident” means any unexpected occurrence involving a moving or non-moving school bus that results in any bodily injury or fatality to a passenger or non-passenger, damage to personal or real property outside the school bus, or damage to the school bus that affects the integrity of the school bus or results in a major defect as described in A.A.C. R17-9-108(B).

“Alternately flashing signal lamps” means a system of red or red and amber lamps that are mounted horizontally to

both the front and rear of the school bus body and used to inform the public that the school bus is preparing to stop or has stopped to load or unload passengers. Alternately flashing signal lamps can be either a ~~4-lamp~~ four-lamp system as described in A.A.C. ~~R17-9-107(15)(e)(i)~~ R17-9-107(17)(c)(i) or an ~~8-lamp~~ eight-lamp system as described in A.A.C. ~~R17-9-107(15)(e)(ii)~~ R17-9-107(17)(c)(ii).

“Alteration” means any addition, modification, or removal of any equipment or component after a school bus is inspected by the Department, which may affect the operations of the school bus; compliance with the statutes or rules applicable to school buses; or the health, safety, or welfare of any individual.

“Applicant” means an individual who submits an application to the Department to obtain a certificate to operate a school bus.

“ASE” means National Institute of Automotive Service Excellence.

“Auxiliary fan” means a device mounted inside the school bus body used to supplement the heating, defrosting, or air-conditioning systems by circulating air in the school bus.

“Behind-the-wheel instructor” means an individual qualified under A.A.C. R17-9-103 to provide behind-the-wheel training to applicants.

“Behind-the-wheel training” means the complete physical control of a school bus by an applicant while accompanied by and under direct observation of a behind-the-wheel instructor.

“Belt cutter” means a hand-held instrument containing a blade used to sever a seat belt or a wheelchair-securement device.

“Certificate” means a written authorization issued by the Department to operate a school bus in Arizona.

“Chassis” means the part of a school bus that consists of all base components, including the frame, front and rear suspension, exhaust system, brakes, engine, engine hood or cover, transmission, front and rear axles, front fenders, drive train and shaft, fuel system, engine air intake and filter, clutch and accelerator pedals, steering wheel, tires, heating and cooling system, battery, and controls and instruments to operate the school bus.

“Chassis cowl” means those parts of a Type C school bus that are located in front of the cowl and attached before a school bus manufacturer adds the school bus body.

“Citation” has the same meaning as at A.R.S. § 28-1872.

“Classroom instructor” means an individual qualified under A.A.C. R17-9-103 to provide classroom training to:

- Applicants to operate a school bus,
- Individuals becoming qualified to teach classroom training,
- Individuals becoming qualified to teach techniques of behind-the-wheel training, or
- School bus drivers taking refresher training.

“Classroom training” means the courses required by the Department of an applicant before the applicant is certified or of an individual seeking qualification as a classroom or behind-the-wheel instructor.

“Commercial driver license” has the same meaning as at A.R.S. § 28-3001.

“Controlled substances and alcohol testing” means a determination of an applicant’s or school bus driver’s use of marijuana, cocaine, phencyclidine, opiates, amphetamines, and alcohol prescribed by 49 CFR 382, October ~~2003~~ 2006 (no later amendments or editions), and conducted in accordance with the procedures at 49 CFR 40, October ~~2003~~ 2006 (no later amendments or editions), both published by the U.S. Government Printing Office, Superintendent of Documents, Mail Stop: SSOP, Washington, D.C. 20402-9328, incorporated by reference, and on file with the Department, and a determination of an applicant’s or school bus driver’s use of marijuana, cocaine, phencyclidine, opiates, amphetamines, barbiturates, benzodiazepines, methadone, and propoxyphene as required by these rules and conducted in accordance with a procedure that is generally accepted in the scientific community to be accurate and reliable.

“Cowl” means the portion of the chassis in a Type C school bus that separates the school bus engine from the school bus driver’s compartment.

“Cutaway van” means a chassis to which a completed driver’s compartment is attached before a school bus manufacturer adds a school bus body.

“dB(A)” means decibels A scale, a term denoting that noise level has been adjusted to duplicate human hearing.

“Department” means the Arizona Department of Public Safety.

“Driver’s compartment” means the part of a school bus body that is separated from the passenger compartment by a barrier and contains the controls and instruments for the operation of the school bus.

“Emergency-brake system” means mechanical components used to slow or stop a school bus after a failure of the service-brake system.

“Emergency exit” means an opening in a school bus, including a door, push-out window, or roof hatch, used to unload passengers in the event of an occurrence that requires immediate evacuation of the school bus.

“Employer” means a private business or school district that hires applicants and certified school bus drivers to operate school buses.

~~“Forward control chassis” means a chassis to which controls used to operate a school bus, including the brake, clutch and accelerator pedals, emergency brake, and steering wheel, are mounted as far forward on the chassis as possible and are attached before a school bus manufacturer adds a school bus body.~~

“Frame” means the structural foundation upon which a school bus chassis is constructed.

“Frontage road” means a street that parallels an interstate highway and furnishes access to streets and property that would otherwise be unreachable from the interstate highway.

“Gross vehicle weight rating” means the value specified by the manufacturer as the maximum total loaded weight of a school bus, calculated in accordance with A.A.C. ~~R17-9-106(26)~~ R17-9-106(27).

“Health care professional” means:

A physician licensed to practice medicine under A.R.S. § 32-1401 et seq., osteopathy under A.R.S. § 32-1800 et seq., or chiropractic under A.R.S. § 32-900 et seq.;

A physician licensed to practice medicine, osteopathy, or chiropractic in a state contiguous to Arizona;

A physician employed by the United States government and licensed by a state or territory of the United States;

A physician assistant licensed under A.R.S. § 32-2501 et seq.; or

A registered nurse practitioner licensed under A.R.S. § 32-1601 et seq.

“Highway” has the same meaning as at A.R.S. § 28-101.

“Identification” means the signs, lettering, or numbers placed on the interior or exterior of a school bus body, including the glass areas, but does not include the lettering, numbers, or logos of a manufacturer or distributor of the manufacturer’s product.

“Ignition power-deactivation switch” means a device that when set causes the engine of a motor vehicle to stop operating if the transmission is placed into gear or the parking-brake system is released.

“Interstate highway” means the designation given by the federal government to the system of highways connecting two or more states of the United States.

“Lamp” means a device that is covered by a lens and used to produce artificial light.

“Major defect” means a condition that exists to the interior or exterior of a school bus that causes the Department or owner to place the school bus out of service while the defect is being corrected.

“Manufacturer” means an entity engaged in the manufacturing or assembling of a school bus chassis, school bus body, or school bus chassis and body.

“Medical practitioner” has the same meaning as at A.R.S. § 32-1901.

“Minor defect” means a condition that exists to the interior or exterior of a school bus that is not a major defect and allows the school bus to remain in operation while the defect is being corrected.

“Off-duty” means the time a school bus driver is not on-duty.

“On-duty” means the period between the time a school bus driver begins to work for the employer or is required to be ready to work for the employer until the time the school bus driver is relieved from work and all responsibility for performing work for the employer. The time on-duty is used only to determine when a school bus driver must be provided time off-duty. Time on-duty may be compensated by the employer or an entity other than the employer or may be uncompensated. On-duty includes:

All time at an employer’s place of business, waiting to be dispatched.

All time performing an operations check of a school bus in accordance with A.A.C. R17-9-108, or servicing or conditioning a school bus;

All time driving a school bus, including loading or unloading the school bus, and remaining in readiness to drive a school bus;

All time, at the direction of the employer, travelling but not driving a school bus or assuming any other responsibility to the employer. If the school bus driver is afforded at least eight consecutive hours off-duty upon arrival at the school bus driver’s destination after travelling but not driving a school bus or assuming any other responsibility

ity to the employer, the school bus driver shall be considered off-duty for the entire period travelling but not driving the school bus or assuming any other responsibility to the employer;

All time repairing, obtaining assistance, or remaining in attendance upon a disabled school bus;

All time preparing required reports and records;

All time providing a breath or urine sample, including travel time to and from the collection site, to comply with the testing requirements of this Chapter;

All time performing any other work for the employer; and

All time performing any compensated work for any entity other than the employer.

“Out of service” means a school bus cannot be used to transport passengers.

“Owner” means the public or governmental agency or institution or private company in whose name a school bus is titled.

“Parking-brake system” means mechanical components used to prevent the movement of a school bus while loading or unloading a passenger or when the school bus is parked.

“Passenger” means an individual who rides in a school bus but does not participate in the operation of the school bus.

“Passenger compartment” means that part of the school bus body that is separated from the school bus driver’s compartment by a barrier and holds the passengers to be transported.

“Physical examination” means an evaluation of an applicant’s or school bus driver’s medical status performed by a health care professional according to this Article.

“Physical examination form” means the Arizona Department of Transportation, Motor Vehicle Division, Medical Examination Report, which is used to record the results of a physical examination and may be obtained from the Department or Arizona Department of Transportation, Motor Vehicle Division. “Physical performance test” means an evaluation of an applicant’s or school bus driver’s reflexes, agility, and strength performed according to this Article.

“Physical performance test form” means the document used to record the results of a physical performance test and may be obtained from the Department.

“Push-out window” means safety glass enclosed in a frame on a school bus that moves to the outside of the school bus when force is applied to the window from inside the school bus.

“Refresher training” means the courses required by the Department of each school bus driver to maintain certification as a school bus driver in Arizona.

“Restraining barrier” means a structure located in front of any school bus seat that restricts the forward motion of a passenger.

“Rub rail” means a horizontal steel bar attached to the outside of a school bus body used to reinforce the sides of the school bus.

“Safety glass” has the same meaning as at A.R.S. § 28-959(F).

“School” means a school as defined by A.R.S. § 15-101(19), accommodation school as defined by A.R.S. § 15-101(1), charter school as defined by A.R.S. § 15-101(3), or private school as defined by A.R.S. § 15-101(18).

“School bus” has the same meaning as at A.R.S. § 28-101.

“School bus body” means a structure assembled upon a chassis designed to carry a school bus driver and passengers.

“School bus driver” means an individual who is certified by the Department as meeting the requirements at A.R.S. § 28-3228 and A.A.C. R17-9-102 to operate a school bus in Arizona.

“School district” has the same meaning as at A.R.S. § 15-101(20).

“Service-brake system” means mechanical components used to slow or stop a school bus.

“Service door” means a metal structure used to close the opening of a service entrance.

“Service entrance” means an opening in a school bus used to load or unload passengers.

“Special needs school bus” means a school bus that is designed to transport disabled passengers, some of whom may use a wheelchair, and is constructed with a service entrance and a special-service entrance.

“Special-service entrance” means an opening in a school bus that accommodates a wheelchair lift for the loading or unloading of a passenger who uses a wheelchair.

“Special-service entrance door” means a metal structure used to close the opening of a special-service entrance.

“Street” has the same meaning as at A.R.S. § 28-101.

“Traffic control signal” has the same meaning as at A.R.S. § 28- 601.

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“Training” means the instruction, courses, classes, or workshops provided by the Department or the employer that are required to obtain or maintain certification as a school bus driver or qualification as a classroom or behind-the-wheel instructor, or qualification to administer the physical performance test in Arizona.

“Transport” or “transporting” means a school bus driver sets a school bus in motion to carry passengers or objects authorized by the school district to be carried in a school bus.

~~“Type A school bus” means a van converted to a school bus body or a school bus body that is constructed upon a cutaway van, has a left side door for the school bus driver, and is designed to carry more than 10 individuals. Part of the engine is beneath the windshield and beside the driver’s seat and the service door is located behind the front wheels. A Type A school bus, which is sometimes called a Type A-II school bus, has a gross vehicle weight rating of 10,000 pounds or less a conversion bus constructed utilizing a cutaway front section vehicle with a left side driver’s door. This definition includes two classifications: Type A-1, with a Gross Vehicle Weight Rating (GVWR) of 14,500 pounds or less; and Type A-2, with a GVWR greater than 14,500 pounds and less than or equal to 21,500 pounds.~~

~~“Type B school bus” means a school bus body that is constructed upon a cutaway van or a forward-control chassis, has a gross vehicle weight rating of more than 10,000 pounds, and is designed to carry more than 10 individuals. Part of the engine is beneath the windshield and beside the driver’s seat and the service door is located behind the front wheels. A Type B school bus is sometimes called a Type A-I school bus constructed utilizing a stripped chassis. The entrance door is behind the front wheels. This definition includes two classifications: Type B-1, with a GVWR of 10,000 pounds or less, and Type B-2, with a GVWR greater than 10,000 pounds.~~

~~“Type C school bus” – also known as a conventional style school bus, means a school bus body that is installed either upon a chassis cowl with the engine located beneath or in front of the windshield and in front of the cowl or upon a forward-control chassis with part of the engine beneath the windshield and beside the driver’s seat. The service door is located behind the front wheels. The school bus has a gross vehicle weight rating of more than 10,000 pounds and is designed to carry more than 10 individuals constructed utilizing a chassis with a hood and front fender assembly. The entrance door is behind the front wheels. A Type C school bus may have a cutaway truck chassis or truck chassis with cab with or without a left side door and with a GVWR greater than 21,500 pounds.~~

~~“Type D school bus” – also known as a rear engine or front engine transit-style school bus, means a school bus body that is installed upon a chassis with the engine mounted in front of the front axle, between the front and rear axles, or behind the rear axle. The school bus driver’s seat and the service door are located in front of the front wheels. The school bus has a gross vehicle weight rating of more than 10,000 pounds and is designed to carry more than 10 individuals constructed utilizing a stripped chassis. The entrance door is ahead of the front wheels.~~

“Van” means a covered or enclosed truck.

“Wheelchair” means a mobility aid consisting of a frame, seat, and three or four wheels, which is used to support and carry a disabled passenger.

“Wheelchair lift” means an electric hydraulic mechanism and platform in a school bus used to raise and lower a passenger in a wheelchair.

“Wheelchair-lift platform” means a horizontal surface upon which a wheelchair sits while being raised or lowered.

“Wheelchair-passenger restraint” means a combination of a pelvic and an upper torso restraint, including buckles and fasteners, designed to secure a passenger in a wheelchair within a school bus.

“Wheelchair-passenger restraint anchorage” means equipment for fastening wheelchair-passenger restraints to the interior of a school bus.

“Wheelchair-securement anchorage” means equipment for fastening a wheelchair-securement device to a school bus floor.

“Wheelchair-securement device” means a strap or webbing, including buckles and fasteners, used for fastening a wheelchair to a wheelchair-securement anchorage.

“Wheelchair-securement system” means components used to fasten a wheelchair to the interior of a school bus, including a wheelchair-securement anchorage and a wheelchair-securement device.

R17-9-102. Certification of School Bus Drivers

- A. Certification requirements. An individual shall not operate a school bus in Arizona without being certified by the Department. An applicant for certification shall:
1. Be a minimum of 18 years of age;
 2. Submit all of the following to the Department through the employer:
 - a. A completed fingerprint card and fingerprint card processing fee;
 - b. An application signed and dated by the applicant that states the applicant’s:
 - i. Name, home address and home phone number;

- ii. Any alias ever used by the applicant;
 - iii. Social ~~security~~ Security number;
 - iv. Date of birth;
 - v. Arizona commercial driver license number;
 - vi. Date of previous application for certification, if any;
 - vii. Intended employer's name;
 - viii. Convictions for a felony or misdemeanor, if any, in this state or any other state; and
 - ix. Total points accumulated against the applicant's driving record during the two years immediately preceding the date of application using the point system contained in A.A.C. R17-4-404;
 - c. Completed physical examination form, completed physical performance test form, and results of controlled substances testing; and
 - d. A verification made under penalty of perjury that all submitted information is true and complete;
3. Possess a current Arizona commercial driver license under A.R.S. § 28-3101;
 4. Possess any Arizona driver license endorsement required under A.R.S. § 28-3103;
 5. Meet the driving record requirements listed in this Article; and
 6. Complete the training requirements listed in this Article.
- B. Physical examination**
1. An applicant or school bus driver shall submit to a physical examination that is conducted by a health care professional in accordance with the physical examination form. An applicant or school bus driver is qualified to be certified as a school bus driver only if the health care professional conducts the physical examination in accordance with the physical examination form and concludes that the applicant or school bus driver has no condition that would interfere with the applicant's or school bus driver's ability to:
 - a. Operate a school bus safely,
 - b. Evacuate a school bus during an emergency or during a drill required under R17-9-104(D), and
 - c. Perform the operations checks required under R17-9-108(D).
 2. An applicant or school bus driver who is insulin dependent shall obtain the waiver described in A.A.C. R17-5-208.
 3. An applicant shall submit the completed physical examination form and, if applicable, a copy of the waiver required under subsection (B)(2), to the Department through the employer.
 4. The initial physical examination of an applicant, conducted in accordance with the physical examination form, expires 24 months from the date of the physical examination unless a shorter time is specified by the health care professional who administers the physical examination. A school bus driver shall submit to a physical examination before the expiration date of the previous physical examination and send the completed physical examination form to the Department through the employer before the end of the month in which the previous physical examination expires.
 5. If a health care professional determines that further testing of an applicant or school bus driver is needed by an ophthalmologist or optometrist, the health care professional shall refer the applicant or school bus driver to:
 - a. An ophthalmologist licensed under A.R.S. § 32-1401 et seq.,
 - b. An optometrist licensed under A.R.S. § 32-1701 et seq.,
 - c. An ophthalmologist licensed to practice ophthalmology or optometrist licensed to practice optometry by a state contiguous to Arizona, or
 - d. An ophthalmologist licensed to practice ophthalmology or optometrist licensed to practice optometry by any state or territory of the United States and employed by the United States government.
 6. In addition to the physical examinations required by this Article, the Department or the employer may require a physical examination of an applicant or school bus driver for an impairment that would affect the ability to perform the activities listed in subsection (B)(1). The Department or employer shall base its decision to require an additional physical examination upon consideration of the appearance or actions of the applicant or school bus driver or of medical information received by the Department regarding the applicant or school bus driver. The applicant or school bus driver shall submit results of a physical examination conducted under this subsection to the Department through the employer within 30 days of the date of the physical examination.
- C. Controlled substances and alcohol testing**
1. An applicant or school bus driver shall submit to alcohol and controlled substances testing as required by A.R.S. § 28-3228(C)(2) and as prescribed by this Article and 49 CFR 382 ~~(2003)~~ October 2006 (no later amendments or editions), ~~which is~~ The testing shall be conducted in accordance with the procedures at 49 CFR 40 ~~(2003)~~ October 2006 (no later amendments or editions), both published at the U. S. Government Printing Office, Superintendent of Documents, Mail Stop: SSOP, Washington, D.C. 20402-9328, incorporated by reference and on file with the Department, except for the changes in 49 CFR 40 and 49 CFR 382 listed in subsections (C)(1)(a) through (C)(1)(i).
 - a. 49 CFR 40.3
 - i. "Employee," means an applicant or a school bus driver as defined at A.A.C. R17-9-101.
 - ii. "Employer" has the same meaning as at A.A.C. R17-9-101.

- b. 49 CFR 382.107
 - i. "Commercial motor vehicle" has the same meaning as at A.R.S. § 28-3001(3).
 - ii. "Driver" means a school bus driver as defined at A.A.C. R17-9-101.
 - iii. "Employer" has the same meaning as at A.A.C. R17-9-101.
 - iv. "Performing a safety-sensitive function" means any time during which a school bus driver is on-duty except when the school bus driver is being compensated by an entity other than the employer.
 - v. "Safety-sensitive function" means any activity for which a school bus driver is on-duty except when the school bus driver is performing an activity for and being compensated by an entity other than the employer.
 - c. 49 CFR 382.207. In both sentences, the word "four" is changed to "eight."
 - d. 49 CFR 382.301(b), (c), and (d): Delete these subsections.
 - e. 49 CFR 382.303(a) and (b): Change the word "occurrence" to "accident," as defined in R17-9-101, and delete the words "operating on a public road in commerce."
 - f. 49 CFR 382.303(a)(1) and (b)(1): Delete the words "if the accident involved the loss of human life;"
 - g. 49 CFR 382.303(a)(2) and (b)(2): Delete the words "if the accident involved:"
 - h. 49 CFR 382.303(a)(2)(i) and (ii) and (b)(2)(i) and (ii): Delete these subsections.
 - i. 49 CFR 382.303 (c): In the table, in the column headed "Test must be performed by employer," change "No" to "Yes."
2. In addition to the testing required by 49 CFR 382, an applicant shall submit to testing for the use of marijuana, cocaine, opiates, amphetamines, phencyclidine, benzodiazepines, barbiturates, methadone, and propoxyphene by a procedure that is generally accepted in the scientific community to be accurate and reliable.
 3. In addition to the testing required by 49 CFR 382, a school bus driver shall submit annually to testing for the use of marijuana, cocaine, opiates, amphetamines, phencyclidine, benzodiazepines, barbiturates, methadone, and propoxyphene by a procedure that is generally accepted in the scientific community to be accurate and reliable.
 4. The employer shall ensure that a school bus driver is tested for use of marijuana, cocaine, opiates, amphetamines, phencyclidine, benzodiazepines, barbiturates, methadone, or propoxyphene or alcohol when required to do so by these rules or when requested by the Department.
 5. The employer shall submit any and all negative results of testing done under subsection (C) to the Department within 30 days of the date of testing or within 12 months of the school bus driver's previous test, whichever is sooner, by providing the Department a copy of the report submitted to the employer by the entity that conducted the testing.
 6. The employer shall immediately notify the Department by telephone of any and all positive results of testing done under subsection (C) and shall submit to the Department within five days a copy of the report submitted to the employer by the entity that conducted the testing.
- D. Physical performance test**
1. An applicant shall pass a physical performance test that consists of the following eight standards:
 - a. Climbing and descending the steps of a school bus three times in 30 seconds;
 - b. Alternately activating the throttle and the service-brake system of a school bus 10 times in 10 seconds;
 - c. Depressing and holding the clutch, if applicable, and service-brake system of a school bus for three seconds, five consecutive times;
 - d. Opening and closing a manually operated service door three times without stopping. If the school bus has an automatic service door, operate the manual override of the service door;
 - e. Operating at least two hand controls, one on each side of the steering wheel, within eight seconds while maintaining control of a moving school bus;
 - f. Starting in a seat-belted position, exit a school bus from the rear-most floor-level emergency exit within 20 seconds;
 - g. Carrying or dragging a 125-pound object 30 feet in 30 seconds; and
 - h. Lowering a 30-pound object from a floor-level emergency exit to the ground and lifting the same object from the ground to the school bus floor.
 2. A school bus driver who is certified on the effective date of this subsection shall pass the physical performance test within one year from the effective date of this subsection.
 3. A school bus driver shall pass the physical performance test again no later than 24 months after previously passing the physical performance test.
 4. An applicant or school bus driver who fails the physical performance test may take the test again after 24 hours. An applicant or school bus driver may take the physical performance test no more than three times in 90 days. If an applicant fails the physical performance test on the third attempt, the Department shall not further consider the applicant for certification unless the applicant complies again with the requirements of this Section.
 5. The employer shall ensure that a school bus driver who fails the physical performance test does not operate a school bus until the school bus driver passes the physical performance test.

6. If a school bus driver takes and fails the physical performance test three times, the Department shall cancel the school bus driver's certification.
 7. An employer shall ensure that the physical performance test is administered by a person who has completed Department-authorized training, using the largest type of school bus that an applicant or school bus driver may be required to operate.
 8. A person who administers the physical performance test shall either pass or fail the applicant or school bus driver taking the test, complete the physical performance test form, and submit the completed form to the Department and the employer within seven days of the physical performance test.
- E. Driving record.**
1. During the 24 months before the date of application or during any 24-month period while certified as a school bus driver, an applicant or school bus driver shall not accumulate eight or more points against a driving record in this state using the point system contained in A.A.C. R17-4-404.
 2. During the 10 years before the date of application, an applicant shall not have repeatedly received citations for violation of traffic law.
- F. Training requirements of a school bus driver**
1. Before being certified by the Department as a school bus driver, an applicant shall complete a minimum of 14 hours of classroom training in the following:
 - a. State and federal traffic laws,
 - b. Behind-the-wheel driving operations,
 - c. School bus driver's responsibilities to passengers and school,
 - d. Inspections and operations checks,
 - e. Records and reports,
 - f. Special needs transportation, and
 - g. Accidents and emergencies.
 2. An employer shall ensure that classroom training is taught by a classroom instructor who is qualified under R17-9-103.
 3. At least seven days before classroom training, the classroom instructor shall notify the Department in writing of the date, time, and location of classroom training. The classroom instructor shall notify the Department by any means available at least 24 hours before the date, time, or location of classroom training is changed or canceled.
 4. After completion of classroom training, the classroom instructor shall administer to the applicant a written examination standardized by the Department.
 - a. The written examination shall consist of a combination of 50 true or false, multiple choice, and fill-in-the-blank questions. The examination questions shall cover the topics listed in subsection (F)(1).
 - b. Each question has a value of two points. To pass the examination an applicant shall receive a score that equals or exceeds 80% of the total possible score.
 - c. If an applicant is unable to read or speak English, the employer shall arrange to have the examination administered orally to the applicant in the language with which the applicant is most familiar.
 - d. If an applicant does not pass the examination on the first attempt, the applicant may take an examination two more times within 12 months of the first attempt. A different examination shall be administered to an applicant who is taking an examination for the second or third time. The period between examinations shall be a minimum of 24 hours. If the applicant fails the examination on the third attempt, the applicant shall be considered further only if the applicant complies again with the requirements in this Section.
 5. The classroom instructor shall submit the following information in a written report to the Department and the employer within seven days from the date of the conclusion of a classroom training course:
 - a. Instructor's name,
 - b. Instructor's identification number,
 - c. Date of training,
 - d. Location of training,
 - e. Number of hours of training taught by the classroom instructor,
 - f. Each applicant's name, and
 - g. Each applicant's examination score.
 6. In addition to the report required under subsection (F)(5), the classroom instructor shall maintain and submit to the employer within seven days from the conclusion of a classroom training course, a classroom-training course log that includes:
 - a. Instructor's name,
 - b. Instructor's identification number,
 - c. Date of the training course,
 - d. Name of each applicant attending the training course,
 - e. Subject matter taught in each hour, and

- f. Which hours of training were attended by each applicant.
7. In addition to the classroom training, an applicant shall complete behind-the-wheel training consisting of a minimum of 20 hours operating a school bus in Arizona.
 - a. An employer shall ensure that behind-the-wheel training is taught by a behind-the-wheel instructor who is qualified under R17-9-103.
 - b. During behind-the-wheel training, a behind-the-wheel instructor shall be present and observing the applicant while the applicant is operating the school bus.
 - c. The employer shall ensure that no one except the applicant, behind-the-wheel instructor, employer, and Department employees are aboard the school bus while the applicant actually operates the school bus.
 - d. The behind-the-wheel instructor shall maintain and submit to the employer within seven days from the conclusion of the applicant's behind-the-wheel training, a behind-the-wheel training log that includes:
 - i. Instructor's name,
 - ii. Instructor's identification number,
 - iii. Applicant's name,
 - iv. Date of each behind-the-wheel training session, and
 - v. Actual number of hours at each training session that the applicant operates a school bus.
 - e. At the conclusion of behind-the-wheel training, the behind-the-wheel instructor shall use a copy of the Proof of Completion of Behind-the-wheel Training and Driving Test form to administer to the applicant the driving test described on the form. The driving test shall measure the applicant's ability to operate a school bus safely and in a manner consistent with state law. The behind-the-wheel instructor shall either pass or fail the applicant and submit the completed form to the Department and the employer within seven days of the driving test.
- G.** First aid and cardiopulmonary resuscitation
 1. Before being certified, an applicant shall complete classroom instruction in cardiopulmonary resuscitation and basic first aid. The instruction in cardiopulmonary resuscitation shall include performing cardiopulmonary resuscitation on adults, children, and infants.
 2. The instruction shall be conducted by an individual currently certified as an instructor in first aid and cardiopulmonary resuscitation by a program approved by a nationally recognized organization such as the American Heart Association, American Red Cross, National Safety Council, American Safety and Health Institute, or Arizona Bureau of Mines; by an emergency medical technician licensed by Arizona; or by an agency of the U.S. government.
 3. An applicant shall submit to the Department, through the employer, a copy of the front and back of the first-aid card and cardiopulmonary resuscitation card issued to the applicant or other written documentation as proof of completion of the first-aid and cardiopulmonary resuscitation training.
 4. A school bus driver shall renew first-aid and cardiopulmonary resuscitation instruction before expiration of the current training. Renewal instruction shall be provided by an individual described in subsection (G)(2). The school bus driver shall submit to the Department, through the employer, a copy of the front and back of the first-aid card and cardiopulmonary resuscitation card or other written documentation as proof of renewal of training.
- H.** The Department shall process an application for certification as a school bus driver under R17-9-109.
- I.** Refresher training
 1. A school bus driver shall have refresher training no later than 24 months following completion of the training required by subsection (F). Refresher training shall consist of a minimum of 6 1/2 hours of classroom training in the topics listed in subsection (F)(1).
 2. After completing the first refresher training, the school bus driver shall complete a minimum of 6 1/2 hours of classroom training in the topics listed in subsection (F)(1) every 24 months following the last refresher training.
 3. An employer shall ensure that refresher training is taught by a classroom instructor who is qualified under R17-9-103.
 4. A classroom instructor shall teach refresher training and shall submit the following information in a written report to the Department and the employer within seven days from completion of the refresher training:
 - a. Instructor's name,
 - b. Instructor's identification number,
 - c. Date of training,
 - d. Location of training,
 - e. Number of hours of training taught by the classroom instructor,
 - f. Each school bus driver's name, and
 - g. Each school bus driver's certification number.
 5. In addition to the report required under subsection (I)(4), the classroom instructor shall maintain and submit to the employer within seven days from the conclusion of a refresher training course, a refresher-training course log that includes:
 - a. Instructor's name,
 - b. Instructor's identification number,
 - c. Date of the refresher training course,

- d. Name and certification number of each school bus driver attending the refresher training course,
- e. Subject matter taught in each hour, and
- f. Which hours of refresher training were attended by each school bus driver.

J. Records

- 1. The employer shall maintain qualification and training records of an applicant who is certified and of a school bus driver who terminates employment, and qualification records of an applicant who is denied certification, for 24 months from the date of certification, termination of employment, or denial of certification.
- 2. The employer shall maintain records of testing required under subsection (C) in accordance with 49 CFR 382.401, October 2006 (no later amendments or editions), published at the U. S. Government Printing Office, Superintendent of Documents, Mail Stop: SSOP, Washington, D.C. 20402-9328, incorporated by reference, and on file with the Department. In this subsection, "controlled substances," as used in 49 CFR 382.401, means marijuana, cocaine, opiates, amphetamines, phencyclidine, benzodiazepines, barbiturates, methadone, and propoxyphene.
- 3. The employer shall transfer the records of a school bus driver to a subsequent employer upon written request by the subsequent employer or school bus driver.
- 4. Qualification records include:
 - a. Application,
 - b. Driving record,
 - c. Copy of physical examination form, and
 - d. Physical performance test form.
- 5. Training records include:
 - a. A copy of the classroom-training course log required under subsection (F)(6) that shows the applicant's attendance,
 - b. A copy of the refresher-training course log required under subsection (I)(5) that shows the school bus driver's attendance,
 - c. The classroom training examination score,
 - d. The applicant's behind-the-wheel training log,
 - e. The Proof of Completion of Behind-the-wheel Training and Driving Test form,
 - f. A copy of the first-aid card and cardiopulmonary resuscitation card or other written documentation of completion of first-aid and cardiopulmonary resuscitation training, and
 - g. A copy of the school bus driver certification card issued by the Department.

K. Denial, cancellation, or suspension of certificate 1. Based on an assessment of the totality of the circumstances, the Department may deny a certificate to an applicant or may cancel or suspend a certificate of a school bus driver for:

- a. Failing to meet or comply with the requirements of this Article;
 - b. Being convicted of or subject to an outstanding warrant for any felony;
 - c. Being convicted of or subject to an outstanding warrant for a any misdemeanor reasonably related to the occupation of a school bus driver including, but not limited to:
 - i. ~~Civil traffic violation~~ (Citation for any moving motor vehicle violation, including but not limited to, violations of A.R.S. § 28-1591 et seq.);
 - ii. Driving under the influence (A.R.S. § 28-1381 et seq.);
 - iii. Any sexual offense (A.R.S. § 13-1401 et seq.);
 - iv. Any abuse of a child (A.R.S. § 13-3623); or
 - v. Use, sale, or possession of a controlled substance (A.R.S. § 13-3401 et seq.).
 - d. Demonstrating behavior that endangers the educational welfare or personal safety of students, teachers, or school bus drivers or other co-workers;
 - ~~d-e.~~ Providing false, incomplete, or misleading information to the Department;
 - ~~e-f.~~ Driving or being in actual physical control of a school bus under a circumstance listed in A.R.S. § 28-1381(A); ~~or~~
 - ~~f-g.~~ Under A.R.S. §§ 28-3301 through 28-3322, having a commercial driver license canceled, suspended, revoked, or denied; or
 - h. Having a verified positive result to any controlled substance or alcohol test required by subsections (C)(1), (2), or (3), at any time.
2. Any conviction, violation, warrant, or other misconduct described in this Section shall be considered, whether or not the school bus driver was operating a school bus at the time of the conviction, violation, warrant, or other misconduct.
- ~~2-3.~~ An applicant who is denied a certificate or a school bus driver whose certificate is canceled or suspended may request a hearing within 30 days from the date of receipt of the notice of the denial, cancellation, or suspension. The hearing shall be conducted according to the procedures contained in A.R.S. Title 41, Chapter 6, Article 10.
- ~~3-4.~~ The Department shall inform an applicant who is denied a certificate or a school bus driver whose certificate is canceled or suspended of the amount of time that must elapse before the applicant or the school bus driver may reapply for certification. The Department shall include this information in the notice of denial, cancellation, or suspension and the notice of final order, if any, served on the applicant or school bus driver. In determining the amount of time

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that must elapse before reapplication, the Department shall consider:

- a. The seriousness of the offense leading to denial, cancellation, or suspension;
 - b. The frequency with which the offense occurred; and
 - c. The amount of time required to correct the offense.
- L. If a school bus driver is terminated from or leaves employment, the employer shall provide written notice to the Department within 30 days of the termination or leaving. If a school bus driver transfers employment from one employer to a second employer, within 14 days of the transfer the second employer shall provide written notice to the Department of the:
1. School bus driver's name,
 2. School bus driver's certification number,
 3. Name of the transferring employer, and
 4. Effective date of the transfer.

R17-9-103. Qualification of Classroom and Behind-the-wheel Instructors

- A. To be qualified as a classroom instructor, an individual shall:
1. Submit to the Department through the employer, the following two letters:
 - a. A letter from, signed, and dated by the individual that states the individual's:
 - i. Name, home address and home phone number;
 - ii. Social ~~security~~ Security number;
 - iii. Date of birth;
 - iv. Current employer's name, address, and phone number; and
 - v. Dates of all previous letters submitted under this subsection; and
 - b. A letter from the current employer recommending that the individual be considered as a classroom instructor; and
 2. Pass a written examination standardized by the Department:
 - a. The written examination shall consist of a combination of 50 true or false, multiple choice, and fill-in-the-blank questions. The examination questions shall cover the topics listed in ~~R17-9-102(E)(1)~~ R17-9-102(F)(1).
 - b. Each question has a value of two points. To pass the examination, an individual shall receive a score that equals or exceeds 90% of the total possible score.
 - c. If an individual taking the written examination is unable to read or speak English, the employer shall arrange to have the examination administered orally in the language with which the individual is most familiar.
 - d. If an individual does not pass the examination, the individual may take a second examination that is different from the first examination.
 - e. If an individual fails to pass the second examination, the individual may receive further consideration by submitting again the letters required by subsection (A)(1) and taking the written examination required by this subsection.
 - f. The employer shall submit each individual's examination score to the Department within seven days from the date of the examination.
- B. To remain qualified as a classroom instructor, a classroom instructor shall teach a minimum of 12 hours of classroom or refresher training every 24 months from the date the classroom instructor is first recognized by the Department as qualified.
- C. To be qualified as a behind-the-wheel instructor, an individual shall:
1. Be certified continuously as a school bus driver in Arizona for the 12 months immediately before submitting the letters described in subsection (C)(2) and be employed as a certified school bus driver at the time of qualification as a behind-the-wheel instructor;
 2. Submit to the Department through the employer, the following two letters:
 - a. A letter from, signed, and dated by the individual that states the individual's:
 - i. Name, home address and home phone number;
 - ii. Social ~~security~~ Security number;
 - iii. Commercial driver license number;
 - iv. Current employer's name, address, and phone number; and
 - v. Dates of all previous letters submitted under this subsection; and
 - b. A letter from the current employer recommending that the individual be considered as a behind-the-wheel instructor; and
 3. Pass a written examination standardized by the Department.
 - a. The written examination shall consist of a combination of 50 true or false, multiple choice, and fill-in-the-blank questions. The examination questions shall cover the topics listed in R17-9-102(F)(1):
 - b. Each question has a value of two points. To pass the examination, an individual shall receive a score that equals or exceeds 80% of the total possible score.

- c. If an individual is unable to read or speak English, the employer shall arrange to have the examination administered orally in the language with which the individual is most familiar.
 - d. If an individual does not pass the examination, the individual may take a second examination that is different from the first examination.
 - e. If an individual fails to pass the second examination, the individual may receive further consideration by submitting again the letters required by subsection (C)(2) and taking the written examination required by this subsection.
 - f. The employer shall submit each individual's examination score to the Department within seven days from the date of the examination.
- D.** To remain qualified as a behind-the-wheel instructor, a behind-the-wheel instructor shall maintain certification as a school bus driver in this state and teach a minimum of 12 hours of behind-the-wheel training every 24 months from the date the behind-the-wheel instructor is first recognized by the Department as qualified.
- E.** Records
- 1. The employer shall maintain the following records for each classroom and behind-the-wheel instructor for 24 months from the date the instructor is first recognized by the Department as qualified.
 - a. Letter submitted under subsection (A)(1)(a) or (C)(2)(a),
 - b. Letter of recommendation submitted under subsection (A)(1)(b) or (C)(2)(b), and
 - c. Examination score.
 - 2. The Department shall maintain the documents required under R17-9-102(F)(5) and (I)(4) for 24 months.
- F.** The Department shall not recognize an individual as qualified to be a classroom or behind-the-wheel instructor if the individual:
- 1. Fails to meet or comply with the requirements of this Article;
 - 2. Is convicted of or subject to an outstanding warrant for a felony;
 - 3. Is convicted of or subject to an outstanding warrant for a misdemeanor reasonably related to the occupation of a school bus driver, including:
 - a. Civil traffic violation (A.R.S. § 28-1591 et seq.);
 - b. Driving under the influence (A.R.S. § 28-1381 et seq.);
 - c. Any sexual offense (A.R.S. § 13-1401 et seq.);
 - d. Any abuse of a child (A.R.S. § 13-3623); or
 - e. Use, sale, or possession of a controlled substance (A.R.S. § 13-3401 et seq.);
 - 4. Provides false, incomplete, or misleading information to the Department;
 - 5. Drives or is in actual physical control of a school bus under a circumstance listed in A.R.S. § 28-1381(A); or
 - 6. Under A.R.S. §§ 28-3301 through 28-3322, has a commercial driver's license canceled, suspended, revoked, or denied.
- G.** If a classroom or behind-the-wheel instructor is terminated from or leaves employment, the employer shall provide written notice to the Department within 30 days of the termination or leaving. If a classroom or behind-the-wheel instructor transfers employment from one employer to a second employer, within seven days of the transfer the second employer shall provide written notice to the Department of the:
- 1. Name of the classroom or behind-the-wheel instructor,
 - 2. Identification number of the classroom or behind-the-wheel instructor,
 - 3. Name of the transferring employer, and
 - 4. Effective date of the transfer.

R17-9-104. Minimum Standards for School Bus Operation

- A.** A school bus driver shall perform operations checks of a school bus as required by A.A.C. R17-9-108.
- B.** Loading or unloading of passengers:
- 1. As of February 16, 1996, an ~~8-lamp eight-lamp~~ system as described in A.A.C. ~~R17-9-107(15)~~ R17-9-107(17) shall be installed on a school bus before it is introduced into Arizona. When preparing to stop a school bus on a street or highway, the school bus driver shall activate the alternately flashing amber lamps of an ~~8-lamp eight-lamp~~ system or the alternately flashing red lamps of a ~~4-lamp four-lamp~~ system for a minimum distance of 100 feet, in accordance with A.R.S. § 28-930(B). Whenever the school bus is stopped on a street or highway to load or unload passengers, the school bus driver shall deactivate the alternately flashing amber lamps and activate the alternately flashing red lamps of an ~~8-lamp eight-lamp~~ system, and extend the stop arm and open the service door.
 - 2. When a school bus driver stops the school bus to load or unload passengers, the school bus driver shall set the parking brake and place the transmission in neutral.
 - 3. The distance between stops for the purpose of loading or unloading passengers shall be no less than 600 feet, unless the school determines that more frequent stops are necessary for safety. The school bus driver shall stop the school bus as near the right edge of the traveled portion of the street or highway as possible.
 - 4. A school bus driver shall not load or unload passengers on the traffic side of the bus.

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5. When a school bus driver loads or unloads passengers who must cross a street or highway at a location other than an intersection, the passengers shall cross at least 10 feet in front of the front bumper of the school bus. The school bus driver shall not permit passengers who must cross a street or highway to be unloaded from the school bus until all traffic to the front and rear of the school bus is stopped. The school bus driver shall not move the school bus until all passengers have crossed the street or highway.
 6. In intersections that use lighted traffic control signals, a school bus driver shall load or unload passengers no closer than 100 feet of the traffic control signal so the passengers may cross with the traffic control signal, either before or after the school bus proceeds.
 7. In intersections without lighted traffic control signals, a school bus driver shall load or unload passengers no closer than 50 feet of the intersection so the passengers may cross at the intersection, either before or after the school bus proceeds.
 8. A school bus driver shall not stop a school bus on an interstate highway for the purpose of loading or unloading passengers, except that:
 - a. A school bus stop may be established on a frontage road that parallels an interstate highway if no passenger is allowed to cross a divided highway.
 - b. A school bus may stop in a safety rest area as defined by A.R.S. § 28-7901(8) that is part of or adjacent to an interstate highway.
 9. A school bus driver shall load or unload passengers on school grounds only in an area designated by the school and marked with a sign as a school bus loading area.
 10. During loading or unloading of passengers at a designated school bus loading area at a school, the school shall restrict the loading area to school buses, passengers, and school employees assisting in the loading or unloading of passengers.
 11. A school shall allow passengers in a designated school bus loading area only when the passengers are being loaded on or unloaded from a school bus.
 12. A school shall designate all school bus loading areas at locations that prevent backing of the school bus.
 13. In areas at a school not designated as a school bus loading area, a school bus driver shall not back upon or adjacent to the school grounds unless an individual authorized by the school bus driver directs the backing procedure while standing at the rear of the school bus in a position visible to the school bus driver. This provision does not apply to a school bus garage or school bus storage area where passengers are not allowed.
 14. Immediately before a school bus driver engages in backing a school bus, the school bus driver shall sound the horn to warn motorists and pedestrians of the backing procedure. This provision does not apply if the school bus is equipped with an alarm that operates automatically when the school bus is backing.
 15. In addition to the requirements for railroad grade crossings contained in A.R.S. § 28-853, a school bus driver shall comply with the following:
 - a. Use hazard warning lights as described in A.R.S. § 28-947(D) within a minimum of 100 feet of a railroad grade crossing to warn motorists of an intended stop.
 - b. Shut off any radio, compact-disc player, and other source of sound within 50 feet of a railroad grade crossing.
 - c. Stop the school bus, with or without passengers aboard, at a railroad grade crossing when traffic at the railroad grade crossing is not directed by a police officer.
 - d. While stopped at a railroad grade crossing at which traffic is not directed by a police officer, activate the noise suppression switch, completely open the service door and the window to the left of the driver and, by hearing and sight, determine that it is safe to cross. Before proceeding, close the service door. De-activate the noise suppression switch after crossing the tracks.
 - e. Do not stop to load or unload passengers within 200 feet of a railroad grade crossing. This provision does not prohibit stops at a railroad station or on a highway that parallels the railroad tracks.
 16. When a school bus driver loads a wheelchair passenger on a school bus, the school bus driver shall secure both the wheelchair and the wheelchair passenger using the systems described in R17-9-105(E).
- C. An employer shall not allow or require a school bus driver to drive a school bus nor shall a school bus driver drive a school bus:
1. For more than 10 hours after having been off-duty for a minimum of eight consecutive hours;
 2. For any period after having been on-duty for 15 hours after having been off-duty for a minimum of eight consecutive hours;
 3. After having been on-duty 60 hours in any seven consecutive days if the employer does not operate school buses for seven consecutive days; or
 4. After having been on-duty 70 hours in any eight consecutive days if the employer operates school buses every day of the week.
- D. Other requirements:
1. A school bus driver shall wear a seat belt whenever the school bus is in motion.
 2. While operating a school bus, a school bus driver shall wear closed-toe, closed-heel shoes that will not interfere with

- driving the school bus safely or performing other duties of the school bus driver.
3. A school bus driver shall comply with all state traffic laws while operating a school bus except that the school bus driver shall not exceed 65 miles per hour or the posted speed limit, whichever is less, when operating the school bus on an interstate highway.
 4. ~~Passengers~~ Any person boarding or attempting to board a school bus, whether or not a passenger, shall comply with all instructions given ~~to them~~ by a school bus driver. ~~If A a passenger or a non-passenger who boards or attempts to board a school bus and refuses to comply with the school bus driver's instructions may be surrendered into the custody of a person who is authorized by the school to assume responsibility for the passenger or non-passenger, the school bus driver may seek emergency assistance to remove the passenger or non-passenger from the school bus, or prevent the passenger or non-passenger from boarding.~~
 5. All passengers shall sit with their backs against the seat backs, their legs facing towards the front of the school bus, and all parts of their bodies clear of all aisles whenever the school bus is in motion.
 6. A school bus driver shall not transport in a school bus more passengers than the rated capacity stated by the school bus manufacturer.
 7. A school bus driver shall close the service doors of a school bus before operating the school bus. The service doors shall remain closed whenever the school bus is in motion.
 8. A school bus driver shall not place the transmission in neutral or coast with the clutch disengaged on a downhill grade.
 9. The driver of a school bus equipped with a two-speed axle shall not shift the axle while descending any hill posted with grade warning signs.
 10. A school bus driver shall ensure that a school bus is not fueled in a closed building, while the school bus engine is running or while passengers are on board.
 11. A school bus driver or passenger shall not use tobacco in any form on a school bus.
 12. A school bus driver shall not carry on a school bus or consume any beverage containing any alcohol while on-duty with the employer or within eight hours before going on-duty with the employer.
 13. A school bus driver shall not eat or drink on a school bus unless the school bus is completely stopped.
 14. A school bus driver shall not at any time carry on a school bus or use a controlled substance.
 15. A passenger shall not carry on a school bus or consume while being transported in a school bus, any beverage containing any alcohol.
 16. A passenger shall not carry on a school bus or consume while being transported in a school bus, any dangerous or narcotic drug, as defined in A.R.S. § 13-3401, unless:
 - a. A medical practitioner authorized by the state to write a prescription for the dangerous or narcotic drug has prescribed the dangerous or narcotic drug for the passenger who is carrying or consuming it;
 - b. The school district governing board establishes written policies and procedures regarding the administration of a dangerous or narcotic drug by a trained district employee to a passenger who is being transported in a school bus; and
 - c. The parent or legal guardian of a passenger to whom a dangerous or narcotic drug is administered while being transported in a school bus provides prior written authorization for the dangerous or narcotic drug to be administered to the passenger by a trained district employee.
 17. A school bus driver shall not assume responsibility for transporting any medication, whether prescription or over-the-counter, that belongs to a passenger.
 18. A school bus driver shall not transport animals, insects, or reptiles in a school bus with the exception of service animals, as defined at A.R.S. § 11-1024(J), which assist disabled passengers.
 19. Except for eyeglasses, a passenger or school bus driver shall not carry or transport glass objects on a school bus.
 20. A school bus driver or passenger shall not carry on or transport in a school bus an explosive device, gun, knife, or other weapon as defined by school-district policy.
 21. A passenger shall not place any part of the passenger's body out of a school bus window or door except when exiting the school bus.
 22. When instruments or equipment related to musical or athletic events are transported on a school bus, the school bus driver shall transport them as follows:
 - a. Instruments or equipment shall not occupy seating space if needed for a passenger,
 - b. Instruments or equipment shall not be placed in the school bus driver's compartment or step-well of the school bus,
 - c. Instruments or equipment shall be under the passenger's control at all times or secured in the school bus, and
 - d. Instruments or equipment shall not block an aisle or emergency exit of the school bus at any time.
 23. A passenger who carries onto a school bus an object other than an instrument or equipment related to musical or athletic events shall control the object at all times or secure the object in the school bus. If the passenger is not able to control or secure the object in the school bus, the passenger shall not carry the object onto the school bus.
 24. A school bus driver shall ensure that all objects inside the school bus are under a passenger's control or secured in a

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manner that prevents the objects from causing physical injury to others or affecting the safe operation of the school bus.

25. A school bus driver shall not drive a school bus with a trailer or other vehicle attached to the school bus.
 26. A school bus driver shall stop the school bus and check the wheels and tires for wear, damage, and inflation after every two continuous hours of driving.
 27. All school buses shall have and school bus drivers shall use a two-way voice communication system. The two-way voice communication system shall only be used to assist the school bus driver with passenger transportation.
 28. Except as provided in subsection (D)(27), a school bus driver shall not wear an audio headset, earphones, or earplugs, or use a cellular telephone use audio headsets, earphones, earplugs, Bluetooth devices, cellular phones, personal digital assistants, or other interactive wireless devices, whether or not hands-free, when the school bus is in motion operation.
 29. Except when complying with R17-9-108(D), if a school bus driver leaves the driver's compartment, the school bus driver shall set the parking-brake system, place a standard transmission in either first or reverse gear, place an automatic transmission in park or neutral, and turn off the ignition and remove the ignition key from an ignition that uses a key, or set the ignition power-deactivation switch of an ignition that does not use a key.
 30. Each time a school bus driver unloads passengers and it appears that no passengers remain on the school bus, the school bus driver shall inspect the interior of the school bus for passengers remaining and objects left on the school bus. If the school bus is equipped with a child alert notification system as described in R17-9-106(6), the school bus driver shall complete all procedures required by the child alert notification system, in addition to the school bus driver's inspection of the interior of the school bus.
 31. At least twice during every school year, a school shall conduct an evacuation drill of a school bus at the school that includes every passenger who rides a school bus and is in school on the day of the evacuation drill. At least 14 days before an evacuation drill, a school shall submit to the Department a written notice stating the date, time, and location of the evacuation drill. Each school bus driver shall participate in a minimum of two evacuation drills during every school year. Evacuation drills shall include:
 - a. Practice and instruction in the location, use, and operation of the emergency exits, fire extinguishers, first aid equipment, windows as a means of escape, and communication systems;
 - b. Practice and instruction in when and how to approach, load, unload, and move away from the school bus a minimum of 100 feet;
 - c. Instructions on how weather-related hazards affect emergency procedures; and
 - d. Instructions on the importance of orderly conduct.
 32. A white, flashing, strobe lamp as described in A.A.C. ~~R17-9-107(15)(f)~~ R17-9-107(17)(f) may be used only during conditions that produce low visibility or that are hazardous.
 33. An owner shall ensure that no lock, except as provided in ~~R17-9-107(8)(h)~~ R17-9-107(10)(h), is installed on any school bus emergency exit or service door.
 34. A school bus driver shall ensure that nothing obstructs or interferes with the use of any school bus emergency exit or service door.
 35. A school bus driver, passenger, or school administrator shall immediately report to the employer any violation of these rules or state statutes that the school bus driver, passenger, or school administrator reasonably believes threatens the health, safety, or welfare of a passenger.
- E. Reports and recordkeeping:
1. Immediately following any accident involving a school bus, the school bus driver shall report the accident to the employer.
 2. Immediately upon receiving notification of any accident involving a school bus, the employer shall notify the Department of the accident by telephone. The employer shall submit written verification of the accident to the Department within 72 hours of the telephone notification.
 3. Immediately upon becoming aware of a violation of these rules or state statutes that a reasonable person could conclude caused injury to or threatened the health, safety, or welfare of a passenger, the employer shall notify the Department of the violation by telephone. The employer shall submit a written report of the violation to the Department within 72 hours of the telephone notification.
 4. No later than 14 days after an evacuation drill, a school district shall submit to the Department a written report of the evacuation drill identifying the school district, participating school, date, and number of participants.
 5. From the date on which a record is created, the employer shall maintain for three years the following written records for each school bus driver:
 - a. On a daily basis, the period of time each school bus driver is on-duty for the employer including the date, each start and quit time, and the total number of hours on-duty for the employer.
 - b. On a daily basis, the total number of hours on-duty for an entity other than the employer during the previous seven days.
 6. A school bus driver who performs any compensated work for an entity other than the employer shall provide the

employer, in writing, the name and telephone number of the entity and the number of hours the school bus driver works each day for the entity.

7. A school bus driver who receives a citation, whether on-duty or off-duty, shall immediately inform the employer by telephone about the citation and shall submit a copy of the citation to the employer within five days.

R17-9-105. Special Needs Standards

A. General requirements:

1. As of February 16, 1996, before being introduced into Arizona, a school bus used for transporting disabled passengers shall comply with the minimum standards applicable to school buses and the specifications contained in this Section. A school bus used for transporting disabled passengers that was introduced into Arizona before that date shall comply with the minimum standards in these rules, including this Section, or those at A.A.C. R17-4-608.
2. Any school bus that is used for transporting a passenger who uses a wheelchair shall be equipped with a wheelchair lift.
3. A wheelchair lift shall be located on the side of the bus body opposite the school bus driver. The wheelchair lift shall not be attached to the exterior sides of the school bus and shall be confined within the school bus body when not extended.
4. Any school bus that is used for transporting disabled passengers shall be equipped with a belt cutter that is accessible only to the school bus driver. The belt cutter shall be secured in a location within reach of the school bus driver while belted into the driver's seat. The school bus may be equipped with additional belt cutters. Additional belt cutters shall be accessible only to the school bus driver or adult aides or attendants.

B. Special-service entrance:

1. A school bus used for transporting disabled passengers shall have a special-service entrance of a width and depth to accommodate a wheelchair lift. The special-service entrance shall have a minimum clear opening of 30 inches horizontally to allow for the passage of a wheelchair.
2. The special-service entrance shall be located on the side of the bus opposite the school bus driver and far enough to the rear of the school bus to prevent the special-service entrance door from obstructing the service door when the special-service entrance door is open.
3. A drip molding shall be installed above the special-service entrance to divert water from the special-service entrance.
4. The frame surrounding the special-service entrance shall provide support and strength at least equal to at the conventional service and emergency doors.

C. Special-service entrance doors:

1. A school bus used for transporting passengers in wheelchairs shall provide a special-service entrance door not to exceed ~~45~~ 50 inches in width.
2. Two doors ~~shall not may~~ be used for a special-service entrance on a school bus. if the doors are equipped with a positive latching mechanism to prevent accidental opening.
3. The special-service entrance door shall be constructed to open toward the exterior of the school bus. A Type A school bus is exempt from this provision if its special-service entrance door is provided by the school bus chassis manufacturer.
4. The special-service entrance door shall have a fastening device attached to the school bus body to hold the special-service entrance door in an open position.
5. The special-service entrance door shall be weather-sealed by a ~~rubber~~ waterproof cushion affixed to the door or door frame.
6. Door materials, panels, and structural strength of a special-service entrance door shall be equivalent to the standards contained in A.A.C. R17-9-107 for a service door and an emergency door. Color, rub rail extensions, if installed, lettering, and all exterior features shall match adjacent sections of the school bus body.
7. The window in the special-service entrance door shall be made of safety glass, mounted in ~~rubber~~ a waterproof manner that is equal to the mounting of the other windows, and aligned with the side windows of the school bus.
8. A pressure switch shall be installed in the special-service entrance door frame that will actuate a ~~green flashing lamp~~ visible signal located in the school bus driver's compartment when the ignition is in the "on" position to warn the school bus driver when the special-service entrance door is not closed.
9. A ~~pressure~~ switch shall be installed in the special-service entrance door frame so the wheelchair lift will not operate when the special-service entrance door is closed.

D. Wheelchair lift:

1. A wheelchair lift shall be capable of lifting a minimum load of 800 pounds.
2. When the wheelchair-lift platform is raised to the maximum position, it shall be held in position by the wheelchair lift.
3. Controls shall be provided that enable an individual authorized by the school bus driver to activate the wheelchair lift from either inside or outside the school bus.

4. The wheelchair lift shall be equipped so it may be manually raised or lowered in the event of a power failure to the wheelchair lift.
 5. The wheelchair lift shall contain a safety device to prevent the wheelchair-lift platform from falling.
 6. The wheelchair lift shall be constructed so it allows the wheelchair-lift platform to rest completely on the ground.
 7. All edges of the wheelchair-lift platform shall be designed to restrain the wheelchair and prevent the feet of an individual in the wheelchair from becoming caught during the raising or lowering process.
 8. A barrier shall be attached along the outer non-loading edges of the wheelchair-lift platform that will prevent the wheelchair from rolling off the wheelchair-lift platform when the wheelchair-lift platform is placed in any position other than completely extended on ground level.
 9. A self-adjusting, skid-resistant plate shall be installed on the loading edge of the wheelchair-lift platform to reduce the incline from the wheelchair-lift platform to ground level. This plate shall be used as a restraining barrier on the loading edge of the wheelchair-lift platform. The wheelchair-lift platform shall be skid-resistant.
 - ~~10. A school bus shall be provided with a battery to be used exclusively to operate the wheelchair lift. The electrical-charging system of the school bus shall charge the battery of the wheelchair lift. The wheelchair lift battery shall not supply power to any other electrical system in the school bus body.~~
 - ~~11.10. A school bus may be provided with a battery to be used exclusively to operate the wheelchair lift. A If a battery is installed for this purpose, an appropriate size circuit breaker or fuse shall be installed between the battery and the wheelchair lift motor. meeting the wheelchair lift manufacturer's specifications shall be installed between the battery and the wheelchair lift motor. The circuit breaker shall be located as close to the power source as possible, but not within the school bus driver's compartment.~~
 - ~~12.11. The wheelchair lift shall be equipped with an adjustable switch that limits the electrical power to the wheelchair-lift motor and a bypass valve to prevent pressure from building in the hydraulic system when the wheelchair-lift platform reaches the maximum up or down position.~~
 - ~~13.12. A ramp may be carried on a school bus for use during an occurrence that requires evacuating the school bus. The ramp shall not be stored within the passenger compartment of the school bus.~~
- E. Wheelchair and wheelchair-passenger securement:
1. Each wheelchair in a school bus shall be secured in a forward-facing position. Medical equipment and supplies required to accommodate a disabled passenger shall be secured in a school bus by means of alterations approved by the Department in accordance with A.A.C. R17-9-108(G).
 2. Each ~~space designated for a wheelchair~~ wheelchair-securement system location in a school bus shall ~~be~~ have a minimum clear floor area of 30 inches in width from the interior school bus wall to the aisle and a minimum of 48 inches in length. A wheelchair shall not be placed in a position that ~~it~~ prevents passage through the special-service entrance.
 3. Each wheelchair-securement system shall have four full-length tracks, with an L-track four-point tie-down configuration.
 - ~~3-4. The wheelchair-securement system shall provide a minimum of four wheelchair-securement anchorages attached to the school bus floor with a minimum of two anchorages located at the rear of the space designated for a wheelchair and a minimum of two anchorages located at the front of the space.~~
 - ~~4-5. The wheelchair-securement system shall provide a minimum of one wheelchair-securement device located in each of the rear anchorages and a minimum of one wheelchair-securement device located in each of the front anchorages.~~
 - ~~5-6. A wheelchair space shall have a minimum of one wheelchair-passenger shoulder restraint anchorage attached to the interior wall of the school bus and a minimum of two wheelchair-passenger restraint anchorages located at the rear of the space.~~
 - ~~6-7. Each wheelchair space shall have one wheelchair-passenger restraint. A school bus equipped with a wheelchair-passenger restraint shall have the following information available on the school bus:~~
 - ~~a. A telephone number where information may be obtained about installation, repair, and parts; and~~
 - ~~b. Instructions regarding use of the restraint, including a diagram showing the proper placement of the wheelchair and positioning of securement devices and occupant restraints, including correct belt angles.~~
- F. Dome light: A dome light shall be placed in the interior ceiling of the school bus to illuminate the wheelchair lift area. The dome light shall be activated by a pressure switch located in the special-service entrance door or by a manually operated switch located in the interior of the school bus no more than one foot from the special-service entrance door. This switch shall be used exclusively for the dome light.
- G. Aisles: All aisles leading to an emergency door from any wheelchair space shall be a minimum of 30 inches in width. The emergency door opening shall be a minimum of 30 inches in width.
- H. Seating arrangements: All fixed seats in a special-needs school bus shall be forward facing.
- I. ~~Emblem~~ Emblems: A school bus used for transporting disabled passengers shall display a ~~two wheelchair emblem~~ International Symbol of Accessibility emblem. One emblem shall be placed below the upper window on the emergency door or below the window on the special-service entrance door, and the second emblem shall be placed below the windshield on the side of the bus or on the bumper opposite the school bus driver. The emblem emblems shall be made of blue, reflective material and be a minimum of 6 inches and a maximum of 12 inches in width and height and shall contain a reflective

white wheelchair impression with a minimum of 1/8 in. reflective white border around the outer edges of the emblem emblems.

- J.** Types A and B school buses used to transport disabled passengers shall comply with the specifications contained in this Section except:
1. A ramp may be installed in place of a wheelchair lift;
 2. If a ramp is used, it shall be of a strength and rigidity to support a wheelchair, passenger, and individual attending the wheelchair passenger. The ramp shall be equipped with a barrier on each longitudinal side to prevent the wheelchair from leaving the ramp;
 3. The floor of the ramp shall be covered with nonskid material; and
 4. A ramp shall not be carried in the passenger compartment of a school bus.

R17-9-106. Minimum Standards for School Bus Chassis

As of February 16, 1996, the chassis of a school bus shall meet the requirements of this Section when the school bus is introduced into Arizona. The chassis of a school bus introduced into Arizona before that date shall meet the requirements of this Section or those at A.A.C. R17-4-609.

1. Air cleaner: An engine intake air cleaner shall be installed in the school bus that meets engine specifications defined by the school bus manufacturer.
2. Axles: The front and rear axles and suspension assemblies shall have a gross axle weight rating consistent with that stated by the chassis manufacturer on a notice located in the school bus driver's compartment.
3. Back-up alarm: If installed, an alarm that emits a warning sound when the school bus is backing shall conform to the following:
 - a. The alarm-signaling device shall be of electronic, solid state design and shall emit an audible sound of a minimum of 97 dB(A) measured at 4 ft., 0° access from the source of the sound.
 - b. The alarm-signaling device shall be wired into the backup light circuits and shall emit sound automatically when the gear shift lever is in "reverse" position.
 - c. The alarm-signaling device shall be attached to the school bus chassis or body behind the rear axle.
4. Brakes:
 - a. A school bus with a manufacturer-designed passenger capacity of 60 or less shall be equipped with a service-brake system that uses compressed air, ~~vacuum assist~~, or hydraulic assist.
 - b. A school bus with a manufacturer-designed passenger capacity greater than 60 shall be equipped with a service-brake system that uses compressed air.
 - c. In addition to the service-brake system, a school bus shall be equipped with a parking-brake system to keep the school bus from moving when parked.
 - d. The service brakes in a compressed-air system shall be adjusted using the following criteria:

Type	Outside Diameter of Air Chamber	Brake Adjustment Limit
6	4 1/2 inches	1 1/4 inches
9	5 1/4 inches	1 3/8 inches
12	5 11/16 inches	1 3/8 inches
16	6 3/8 inches	1 3/4 inches
20	6 25/32 inches	1 3/4 inches
24	7 7/32 inches	1 3/4 inches
30	8 3/32 inches	2 inches
36	9 inches	2 1/4 inches

- e. The service brakes in a "long stroke" clamp type brake system shall be adjusted using the following criteria:

Type	Outside Diameter of Air Chamber	Brake Adjustment Limit
<u>12</u>	<u>5 11/16 inches</u>	<u>1 3/4 inches</u>
<u>16</u>	<u>6 3/8 inches</u>	<u>2 inches</u>
<u>20</u>	<u>6 25/32 inches</u>	<u>2 inches</u>
<u>24</u>	<u>7 7/32 inches</u>	<u>2 inches</u>
<u>24*</u>	<u>7 7/32 inches</u>	<u>2 1/2 inches</u>
<u>30</u>	<u>8 3/32 inches</u>	<u>2 1/2 inches</u>

* For 3" maximum stroke type 24 chambers

- e-f. The service-brake system in a compressed-air system shall contain an emergency-brake system that will activate

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- when the air loss in the service-brake system reaches 20 to ~~45~~ 40 pounds per sq. in.
- ~~f.g.~~ A school bus using a compressed-air, ~~vacuum-assist~~, or hydraulic-assist service-brake system shall be equipped with a signal located in the school bus driver's compartment that emits a continuous audible or visible warning to the school bus driver when:
- ~~i.~~ The air pressure available in a compressed-air braking system is ~~55~~ 60 pounds per sq. in. or less; ~~or~~
 - ~~ii.~~ The vacuum available for braking in a vacuum assist system is 8 inches of mercury or less; ~~or~~
 - ~~iii.~~ ii. There is a loss of fluid flow from the main hydraulic pump or loss of electric source powering the back-up system in a hydraulic-assist system.
- ~~g.h.~~ A school bus using a compressed-air ~~or vacuum-assist~~ service-brake system shall be equipped with one or two illuminated gauges located in the school bus driver's compartment that show the pounds per sq. in. of compressed air ~~or the inches of mercury vacuum~~ available for the operation of the brake.
- ~~h.~~ A vacuum assist brake system shall have a vacuum storage reservoir used exclusively for the brakes to ensure that the loss in vacuum is not more than 30% when the brake pedal is completely depressed while the engine is ~~not running.~~
- ~~i.~~ A compressed-air ~~or vacuum-assist~~ brake system with a dry reservoir shall have a ~~1-way~~ one-way valve that will prevent the loss of compressed air ~~or vacuum~~ between the dry reservoir and the source of ~~vacuum or~~ compressed air.
 - ~~j.~~ A brake system with a wet reservoir shall have a valve located at the bottom of the wet reservoir that operates automatically or can be operated remotely or manually to eject the moisture from the reservoir.
 - ~~k.~~ Compressed-air, ~~vacuum-assist~~, or hydraulic-assist brake lines and booster-assist lines shall be installed in a manner that prevents heat, vibration, and chafing damage.
 - ~~l.~~ The brake systems of Types C and D school buses shall be installed so the chassis components can be visually inspected to detect brake lining wear without removal of any of the chassis components.
5. Front bumper: The front bumper shall be positioned at the forward-most part of the school bus and extend to the outer edges of the school bus.
6. Child alert notification system. A school bus may be equipped with an electronic or mechanical child alert notification system. If a school bus is equipped with a child alert notification system, the device shall be installed in a manner that does not interfere with any other existing operating or electrical component. A child alert notification system in a school bus shall not have an override or bypass capability.
- ~~6-7.~~ Clutch: The clutch torque capacity shall be equal to or greater than the engine torque output.
- ~~7-8.~~ Color: The chassis, including wheels and front bumper, shall be painted black. The hood and fenders shall be painted National School Bus Yellow as described in A.A.C. ~~R17-9-107(5)~~ R17-9-107(6).
- ~~8-9.~~ Cooling system: A school bus shall be equipped with a cooling system that maintains the engine temperature operating range required to prevent damage to the school bus engine.
- ~~9-10.~~ Drive shaft: Each section of the drive shaft to the rear driving axle shall be protected by a metal guard around its circumference to reduce the possibility of the drive shaft penetrating through the school bus floor or dropping to the ground.
- ~~10-11.~~ Electrical system:
- a. Battery:
 - ~~i.~~ The battery shall have a minimum cold-cranking capacity rating equal to the cranking current required by the engine for 30 seconds at 0° F. and a minimum reserve capacity rating of 120 minutes at 25 amperes.
 - ~~ii.~~ The battery shall have a higher capacity than specified in subsection (11)(a)(i) if optional equipment installed on the school bus requires the higher capacity.
 - ~~iii.~~ Because all batteries are to be secured in a sliding tray in the bus body as required by R17-9-107, chassis manufacturers shall mount batteries temporarily on the chassis frame, except that a van conversion or cut-away front-section chassis may be secured in accordance with the manufacturer's standard configuration. However, in all cases the battery cable provided with the chassis shall have sufficient length to allow some slack, and shall be of sufficient gauge to carry the required amperage.
 - b. Alternator:
 - ~~i.~~ All alternators shall conform to the recommended practices of Standard J180, January 2002 (no later amendments or editions) published by the Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, PA 15096-0001, which is incorporated by reference and on file with the Department.
 - ~~ii.~~ A Type A school bus shall have an alternator with a minimum charging rate of 90 amperes per hour. If the school bus is equipped with a wheelchair lift, the alternator shall have a minimum charging rate of 100 amperes per hour.
 - ~~iii.~~ A Type B school bus shall have an alternator with a minimum charging rate of 100 amperes per hour.
 - ~~iiii.~~ Types C and D school buses shall have an alternator with a minimum charging rate of 120 amperes per hour and a minimum charging rate of 30 amperes at engine idle speed.

- ii. All Type A-2 and Type B buses with a GVWR of 15,000 pounds or less shall have an alternator with a minimum of 130 amps.
- iii. All Type A-2 and Type B buses with a GVWR over 15,000 pounds, and all Type C and D buses shall be equipped with a heavy-duty truck or bus-type alternator meeting Standard J180 which is incorporated by reference in subsection (11)(b)(i), having a minimum output rating of 130 amps, and shall produce a minimum current output of 50% of the rating at engine idle speed. The alternator may be either pad-mounted or hinge-mounted.
- iv. Buses equipped with an electrically powered wheelchair lift or air conditioning may be equipped with a device that monitors the electrical system voltage and advances the engine idle speed when the voltage drops to, or below, a pre-set level.
- v. A belt-driven alternator shall be capable of handling the rated capacity of the alternator with no detrimental effect on any other driven components.
- vi. A direct-drive alternator may be installed instead of a belt-driven alternator.
- vii. If the school bus is equipped with an air conditioning system, the alternator shall have a minimum charging rate of 160 amperes per hour.
- ~~ix-viii.~~ The alternator on a school bus shall contain a regulator to control the voltage to the battery.
- c. Wiring:
 - i. All wiring shall conform to the ~~current~~, recommended practices of ~~the Society of Automotive Engineers Standard J1292, published October 1981 (and no future later amendments or editions), published by the Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, PA 15096-0001, incorporated by reference and on file with the Department and the Office of the Secretary of State.~~
 - ii. All wiring shall use a standard color or number coding and each chassis shall contain a wiring diagram that details the wiring of the chassis.
 - iii. The chassis shall be equipped with a connection to provide electrical power to the school bus. The connection shall be located on the chassis cowl or on the engine compartment of a school bus designed without a chassis cowl. The connection shall contain terminals for the main 100 ampere body circuit, tail lamps, right-turn signal, left-turn signal, stop lamps, backup lamps, and instrument panel lights. The instrument panel lights shall have a rheostat control.
- ~~11-~~12. Engine horsepower: The gross vehicle weight rating of a school bus shall not exceed 185 pounds for each engine horsepower as published by the manufacturer on a notice located on the school bus engine.
- ~~12-~~13. Exhaust system:
 - a. The exhaust pipe, muffler, and tailpipe shall be located under the school bus body and attached to the chassis.
 - b. The tailpipe shall be constructed of a corrosion-resistant tubing material at least equal in strength and durability to 16-gauge steel tubing.
 - c. The exhaust system on a gasoline-powered chassis shall be insulated from the fuel tank and fuel tank connections by a shield at any point where the exhaust system is 12 inches or less from the fuel tank or fuel tank connections.
- ~~13-~~14. Frame:
 - a. A school bus frame shall be of a design and strength capable of supporting the gross vehicle weight of the school bus.
 - b. A school bus frame shall not be altered for any purpose.
 - c. Holes in top or bottom flanges of frame rails are not permitted except as provided by the manufacturer. There shall be no welding to the frame rails except by the chassis or body manufacturer or the manufacturer's certified agent.
 - d. The school bus frame shall not be cracked, loose, sagging, or broken.
 - e. Brackets securing the cab or the body of the school bus to the frame shall not be loose, broken, or missing.
 - f. The frame rail flanges shall not be bent, cut, or notched, except as specified by the manufacturer.
 - g. All accessories mounted to the school bus shall be secured as specified by the manufacturer.
 - h. Holes shall not be drilled in the top or bottom rail flanges, except as specified by the manufacturer.
- ~~14-~~15. Front fenders of a Type C school bus: The outer edges of the front fenders shall be wider than the outer edges of the front tires when the front wheels are in the straight-ahead position.
- ~~15-~~16. Fuel system:
 - a. A school bus shall contain a fuel tank with a minimum 30-gallon capacity, with a minimum dispersion of 25 gallons of fuel to the engine. The fuel tank shall be vented to the outside of the school bus body so fuel spillage will not contact any part of the exhaust system.
 - b. On a Type B, Type C, or Type D school bus, no portion of the fuel system that is located outside of the engine compartment, except the filler tube, shall extend above the top of the chassis frame.
 - c. A fuel filter with replaceable element shall be installed between the fuel tank and engine.
 - d. The fuel line that supplies fuel to the engine shall be located at the top of the fuel tank.
- ~~16-~~17. Horn: A school bus shall be equipped with at least one horn capable of producing a sound level between 82 and 102

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dB(A) when tested according to the ~~Society of Automotive Engineers Standard J377, published May 1998~~ March 2001 ~~(and no future later amendments or editions)~~ published by the Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, PA 15096-0001, incorporated by reference and on file with the Department ~~and the Office of the Secretary of State.~~

~~17-18.~~ Instruments and instrument panel:

- a. The chassis shall be equipped with the following instruments:
 - i. Speedometer;
 - ii. Odometer that will give accrued mileage to seven digits, including tenths of miles;
 - iii. Voltmeter or ammeter;
 - iv. Oil pressure gauge;
 - v. Water temperature gauge;
 - vi. Fuel gauge;
 - vii. Upper beam head lamp indicator;
 - viii. Brake system signal as required by A.A.C. R17-9-106(4)(f);
 - ix. Turn signal indicator; and
 - x. Air pressure or hydraulic gauge.
- b. The instruments shall be mounted on the instrument panel in the school bus driver's compartment and visible to the school bus driver while seated in the driver's seat.
- c. The instrument panel shall be equipped with a rheostat switch that controls the illumination to the instrument panel and the gear shift selector indicator.

~~18-19.~~ Oil filter: A replaceable element or cartridge-type oil filter shall be provided with a minimum capacity that meets or exceeds the capacity recommended by the manufacturer of the school bus engine.

~~19-20.~~ Openings: All openings in the floorboard and in the fire wall between the chassis and passenger compartment shall be sealed.

~~20-21.~~ Splash guards:

- a. A school bus shall be equipped with rear fender splash guards constructed of flexible rubberized material.
- b. The splash guards shall be wide enough to cover the tire tread width, installed close enough to the tire tread surface to control side-throw of road surface material, and extend to within 8 inches of ground level.

~~21-22.~~ Steering system:

- a. Power steering is required on all school buses manufactured after January 1, 1984.
- b. Bracing extending from the center of the steering wheel to the steering wheel ring shall not be cracked or missing.
- c. The distance of movement of the steering wheel between two points of resistance shall not be greater than the following when measured with the engine running:

Steering Wheel Diameter	Power Steering	Manual Steering
16 inches or less	6 3/4 inches	4 1/2 inches
18 inches	7 1/8 inches	4 3/4 inches
20 inches	7 7/8 inches	5 1/4 inches
22 inches	8 5/8 inches	5 3/4 inches

- d. There shall be clearance of at least 2 inches between the steering wheel and any object in the driver's compartment.
- e. A non-adjustable steering column shall be fastened in a fixed position. An adjustable steering column shall be equipped with a locking mechanism.
- f. The steering gear housing shall not have loose or missing mounting bolts. There shall not be cracks in the gear housing or its mounting brackets.
- g. The connecting arm on the steering gear power source shall not be loose.
- h. The steering wheel shall turn freely in both directions.
- i. The steering system shall have a means for lubrication of all wear-points.

~~22-23.~~ Suspension:

- a. Shock absorbers:
 - i. A school bus shall be equipped with front and rear double-acting shock absorbers. Replacements to shock absorbers shall be made according to the specifications of the manufacturer's part number as stamped on the shock absorber.
 - ii. If a school bus is manufactured with tandem rear axles, rear shock absorbers are not required.
- b. Suspension springs system:
 - i. ~~Rear springs, if used, shall be of progressive type that adapt to variable weights.~~

- ~~ii.~~ Axles shall be mounted to suspension springs with U-bolts.
- ~~i.~~ Capacity of suspension assemblies shall be commensurate with the chassis manufacturer's gross vehicle weight rating.
- ~~ii.~~ If leaf-type rear springs are used, they shall be a progressive rate or multi-stage design.

~~23-24.~~ Tires and wheels:

- a. Tires and wheels shall have an accumulated load rating at least equal to the gross vehicle weight rating.
- b. Dual rear tires shall be provided on all school buses that have a gross vehicle weight rating of more than 10,000 pounds.
- c. Each tire on a particular axle shall be the same size.
- d. All tires on a school bus shall be bias or all tires on a school bus shall be radial and shall not differ more than one size between front and rear axles.
- e. On a Type C or D school bus, a spare tire, if present, shall be in a carrier mounted outside the passenger compartment.

~~24-25.~~ Transmission: The school bus transmission shall have no fewer than three forward speeds and one reverse ~~speeds~~ speed.

~~25-26.~~ Turning radius:

- a. A chassis with a wheelbase of 264 inches or less shall have a right and left turning radius of not more than 42 1/2 feet, as measured to the edge of the front tire at the outside of a circle as the school bus moves within the circle.
- b. A chassis with a wheelbase of more than 264 inches shall have a right and left turning radius of not more than 44 1/2 feet, as measured to the edge of the front tire at the outside of a circle as the school bus moves within the circle.

~~26-27.~~ Weight:

- a. The gross vehicle weight of a school bus shall not exceed the chassis manufacturer's gross vehicle weight rating for the chassis as recorded on a notice located in the school bus driver's compartment.
- b. To calculate the gross vehicle weight of a school bus, add the chassis weight, the school bus body weight, the school bus driver's weight, and the total seated passenger weight.
 - i. For the purpose of calculation, the school bus driver's weight is 150 pounds.
 - ii. For the purpose of calculation, the passenger weight is 120 pounds per seated passenger.
- c. The weight distribution of a school bus on a level surface that is fully loaded according to the gross vehicle weight rating shall not exceed the front axle gross weight rating or rear axle gross weight rating as recorded on a notice located in the school bus driver's compartment.

R17-9-107. Minimum Standards for School Bus Body

As of February 16, 1996, the body of a school bus shall meet the requirements of this Section when the school bus is introduced into Arizona. The body of a school bus introduced into Arizona before that date shall meet the requirements of this Section or those at A.A.C. R17-4-610.

1. Air conditioning system: The school bus may be installed with an air conditioning system. If installed, the air conditioning system shall:

- a. Be of a mechanical vapor compression refrigeration type;
- b. Be manufactured to conform to the requirements of Standard J639, June 2005 (no later amendments or editions) published by the Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, PA 15096-0001, incorporated by reference and on file with the Department;
- c. Have sufficient power for simultaneous cooling, circulating, and dehumidifying the air;
- d. Be provided with refrigerant that is nontoxic, nonflammable, and non-explosive;
- e. Have all power and grounding installed according to the manufacturer's specifications; and
- f. Have exhaust system exit from the rear of the vehicle, and extend to, but not more than 2 inches beyond the outer edge of the rear bumper.

1-2. Aisle:

- a. The center aisle of a school bus shall have a clearance of not less than 12 inches at the bottom of the seat cushion, increasing to 15 inches at the top of the seat backs.
- b. Aisles to side emergency doors shall have a minimum clearance of 12 inches which may be achieved by using flip-up type seats.

2-3. Auxiliary fan:

- a. An auxiliary fan, if installed, shall be placed in a location that does not obstruct the school bus driver's view of any mirror located on the school bus.
- b. An auxiliary fan, if installed, shall ~~be have a maximum of 6 inches in~~ inch nominal diameter, with the fan blades covered by a protective cage.
- c. Each installed auxiliary fan shall be controlled by a switch that is independent of any other electrical system.

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3-4. Battery:

- a. A battery shall be secured to a slide-out or swing-out tray in a vented compartment in the school bus body, so the battery is accessible to the outside for servicing. If the battery compartment has a door that is not removable, the door shall be secured by a fastening device when the door is in ~~an open or a~~ closed position. If the battery compartment has a removable cover, the cover shall be secured by a fastening device when the cover is in place.
- b. The word "Battery" shall be printed in unshaded black letters that are ~~no less than 1 in.~~ and no more than 2 inches in height on the battery-compartment door or cover or immediately above the battery-compartment door or cover.
- c. Buses with a battery located under the engine hood are exempt from these provisions.

4-5. Belt cutter: A school bus with passenger seat belts shall be equipped with a belt cutter ~~that is accessible only to the school bus driver~~ having a full width handgrip and a protected, replaceable or non-corrodible blade. The belt cutter shall be mounted in a location accessible to the seated driver, and in an easily detachable manner. The belt cutter shall be accessible only to the school bus driver.

5-6. Color:

- a. A school bus body shall be painted National School Bus Yellow according to the following specifications and tolerances:

Description	Reflectance	Chromaticity	
		X	Y
	Y	X	Y
Centroid	41.5%	.5139	.4434
V + Light Limit	42.9%	.5139	.4427
V – Dark Limit	39.8%	.5133	.4422
H + Green Limit	41.6%	.5123	.4368
H – Red Limit	41.7%	.5168	.4489
C + Vivid Limit	41.5%	.5188	.4457
C – Weak Limit	41.5%	.5095	.4405

- b. The bumpers, lamp hoods, lettering, and rub rails on a school bus body shall be ~~painted~~ black.

7. Crossing control arm:

- a. A school bus may be equipped with a crossing control arm. If installed, all components and all connections of the crossing control arm shall:
 - i. Meet the requirements set forth in Standard J1133, November 2004 (no later amendments or editions) published by the Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, PA 15096-0001, incorporated by reference and on file with the Department;
 - ii. Be mounted on the right side of the front bumper;
 - iii. When opened, extend in a line parallel to the body side and aligned with the right side wheel;
 - iv. Be weatherproofed;
 - v. Incorporate system connectors (electrical, vacuum or air) at the gate and be easily removable to allow for towing of the school bus;
 - vi. Be constructed of non-corrodible or nonferrous material, or treated in accordance with the school bus body sheet metal specification;
 - vii. Have no sharp edges or projections that could cause injury or be a hazard to students;
 - viii. Be rounded at the end of the crossing control arm;
 - ix. Extend approximately 70 inches (measured from the bumper at the arm assembly attachment point) when in the extended position;
 - x. Not extend past the end of the bumper when in the stowed position;
 - xi. Extend simultaneously with the stop signal arm, activated by the stop signal arm control; and
 - xii. Include a device attached to the bumper near the end of the arm to automatically retain the arm while in the stowed position. The device shall not interfere with the normal operations of the crossing control arm.
- b. An automatic recycling interrupt switch may be installed for temporarily disabling the crossing control arm.

6-8. Defrosters:

- a. Defrosting and defogging equipment shall direct a flow of heated air onto the windshield, the window to the left of the driver, and the glass in the viewing area directly to the right of the driver to eliminate frost, fog, and snow.
- b. The defrosting system shall conform to ~~the Society of Automotive Engineers Standards J381, April 1994 September 2000 (and no future later amendments or editions); and J382, June 1994 September 2000 (and no future later amendments or editions), both published by the Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, PA 15096-0001 and incorporated by reference and on file with the Department and the Office~~

of the Secretary of State.

- c. An auxiliary fan shall not be used in place of a defrosting and defogging system.
- d. A portable heater shall not be used in place of a defrosting or defogging system.

7-9 Electrical wiring:

- a. All electrical wiring on a school bus shall conform to the standards contained in the Society of Automotive Engineers Standard J1292, October 1981 (and no future later amendments or editions), published by the Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, PA 15096-0001 and incorporated by reference and on file with the Department and the Office of the Secretary of State.
- b. Electrical wiring that is coded by color shall be coded as follows:
 - i. Left Rear Directional Light: Yellow
 - ii. Right Rear Directional Light: Dark Green
 - iii. Stoplights: Red
 - iv. Back-up Lights: Blue
 - v. Taillights: Brown
 - vi. Ground: White
 - vii. Ignition Feed, Primary Feed: Black
- c. Circuits: Electrical wiring circuits shall be protected by a fuse, or circuit breaker, or Field Effect Transistor and shall be coded by number or color on an electrical wiring diagram located in the driver's compartment or the electrical access panel door. There shall be at least seven circuits as follows:
 - i. Head, tail, stop, and instrument panel lamps;
 - ii. Clearance and step-well lamps;
 - iii. Dome lamps;
 - iv. Ignition and emergency door signal;
 - v. Turn signal lamps;
 - vi. Alternately flashing signal lamps; and
 - vii. Heaters and defrosters.
- d. All electrical wires passing through metal openings shall be protected by a non-metal grommet.
- e. Electrical wires not enclosed within the school bus body shall be fastened at intervals of not more than 18 inches.

8-10 Emergency exits: A door, push-out window, or roof hatch used as an emergency exit shall conform to the following:

- a. On the inside and outside of a school bus, the words "EMERGENCY EXIT" or "EMERGENCY DOOR" shall be printed in black, unshaded letters at least 2 inches high above an emergency door or push-out window and at least 1 in. high on a roof hatch.
- b. Each emergency exit shall open toward the exterior of the school bus and shall be labeled within 6 inches of the interior release mechanism with black lettering at least 3/8 of an in. high instructing how the exit is to be opened.
- c. On a Type A school bus with double rear doors used as emergency exits, the rear doors shall be secured with upper, center, and lower latches to the door frame.
- d. The upper portion of each door used as an emergency exit shall be equipped with a window made of safety glass with an area not less than 400 sq. inches. A door located in the rear end of the school bus used as an emergency exit shall also contain a lower window panel of safety glass of not less than 350 square inches. A Type A school bus that contains double rear doors used as emergency exits is exempt from this provision.
- e. There shall be no steps on the outside of the school bus leading to an emergency exit.
- f. A header pad filled with a material to protect against injury shall be attached to the top edge of the frame of a door used as an emergency exit. The header pad shall be a minimum of 3 inches wide and 1 in. thick and extend the full width of the door opening.
- g. Each emergency exit shall be equipped with a latch that opens from the inside of the school bus and is connected to an electrical buzzer audible in the driver's compartment that actuates when the latch is being released.
- h. Except for interlock/barrel bolt devices, ~~If~~ if a lock is installed on an emergency exit, the lock shall be secured only by using a key and shall deactivate the ignition system of the school bus when locked.

9-11 Emergency equipment:

- a. All emergency equipment shall be mounted in the driver's compartment or adjacent to either side of the service entrance and shall be readily accessible. If the emergency equipment is mounted within a closed compartment, the compartment shall be clearly labeled as containing the emergency equipment.
- b. Fire extinguisher:
 - i. A school bus shall be equipped with a minimum of one 5-pound pressurized, dry, chemical fire extinguisher of a type rated not less than 2A-10-BC by the Underwriter's Laboratories, Inc., as described by the National Fire Protection Association, Inc., One Batterymarch Park, Quincy, MA 02269, in NFPA 10: Standard for Portable Fire Extinguishers, published in 1998 2006 (and no future later amendments or editions), incorporated by reference and on file with the Department and the Office of the Secretary of State.
 - ii. A pressure gauge shall be mounted on the fire extinguisher to be readable in its mounted position.

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- iii. The operating mechanism of the fire extinguisher shall be sealed with a type of seal that will not interfere with the use of the fire extinguisher.
 - c. Warning devices: A school bus shall have a minimum of three reflective triangle road-warning devices that comply with the standards at 49 CFR 571.125, October 1999 2006 (and no future later amendments or editions), published by the U.S. Government Printing Office, Superintendent of Documents, Mail Stop: SSOP, Washington, D.C. 20402-9328, incorporated by reference and on file with the Department and the Office of the Secretary of State.
- ~~10-12.~~ Floor:
- a. The floor beneath the seats, including the tops of the wheel housings and the floor in the driver's compartment shall be covered with fire-resistant floor-covering material having a minimum overall thickness of .10 inch.
 - b. The aisle floor shall be covered with a fire-resistant ribbed or non-skid floor-covering material with a minimum thickness of .10 inch.
 - c. The floor-covering material shall be bonded to the floor with a waterproof adhesive and shall not crack when subjected to changes in air temperature.
- ~~11-13.~~ Handrail: A handrail at a school bus service entrance shall be secured to the school bus wall in a manner that causes the crevice formed by the distance between the handrail and the wall to pass the inspection procedure described by the National Highway Traffic Safety Administration, Washington, D.C. 20590, in School Bus Safety Assurance Program Recall Listing: January 1991 ~~through~~ through June 1996 (and no later amendments or editions), incorporated by reference and on file with the Department and the Office of the Secretary of State.
- ~~12-14.~~ Heating system:
- a. Heaters shall be of the hot-water type.
 - b. The heating system shall be capable of maintaining bus interior temperatures as specified in the procedure set forth in Standard J2233, June 2002 (no later amendments or editions), published by the Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, PA 15096-0001, incorporated by reference and on file with the Department.
 - ~~b-c.~~ A minimum of one heater shall be a fresh-air or combination fresh-air and recirculating-air type.
 - ~~e-d.~~ If more than one heater is used, additional heaters may be of recirculating-air type.
 - ~~d.~~ The heating system shall be capable of maintaining a temperature throughout the bus of not less than 40° F.
 - ~~e.~~ Each heater shall bear a name plate that shows the heater rating in accordance with School Bus Manufacturers Institute Standard No. 001, no publication date (and no future amendments or editions), published by the Truck Body and Equipment Association, Inc., 6530 Wisconsin Avenue, Suite 1220, Washington, D.C. 20015 and incorporated by reference and on file with the Department and the Office of the Secretary of State. The name plate with the heater rating constitutes certification that the heater performance is as shown on the plate.
 - ~~f-e.~~ All heater hoses shall be secured in all areas of the school bus body and chassis to prevent wear due to vibration. Heater lines in the interior of the bus shall be covered by a protective shield to prevent scalding of the driver or passengers.
 - ~~g-f.~~ Except on Type A school buses, the heater system shall include shutoff valves installed at the engine in the water pressure lines and return lines.
- ~~13-15.~~ Identification:
- a. Only signs, lettering, and objects approved by state law or these rules shall appear on the interior or exterior of a school bus, including all glass areas.
 - b. Each school bus owned by a school or a private company shall display either the name of the school and school number, if any, or the name of the private company on each exterior side of the school bus between the rub rails at the center line and seat cushion levels in black unshaded letters that are at least 5 inches in height. Additionally, a school bus owned by a private company that displays the name of the school and school number as described above, may display the company's name on each exterior side of the school bus below the floor line in black unshaded letters that are a maximum of 2 inches in height.
 - c. An identification number assigned to a school bus by an owner shall be placed on the front and rear bumpers of the school bus and on each exterior side of the school bus below the floor line rub rail and forward of the centerline of the school bus. The identification number on each bumper shall be National School Bus Yellow. The identification number on each exterior side shall be black. Each identification number shall be a minimum of 5 inches in height.
 - d. In addition to an identification number, a school bus may be identified by an emblem placed on the loading side of the front bumper or the exterior wall of the loading side below the floor line rub rail and forward of the center line of the school bus, or both. The emblem shall be painted or decaled on or attached to a magnetic backing.
 - e. In addition to an identification number, a school bus may display a route identification sign. If displayed, the route identification sign shall:
 - i. Be installed with a heavy duty Velcro, magnetic, screw-type or similar fixture;
 - ii. Be a minimum of 5 inches in height; and

- iii. Be located on a flat surface of the bus body, excluding glass.
- ~~14-~~16. Interior: If the ceiling is constructed with overlapping panels, the first panel placed in the ceiling shall be overlapped by the following panel and each panel shall consecutively overlap to the rear end of the school bus. Exposed edges in the interior of the school bus shall be beaded, hemmed, flanged, or rounded to eliminate sharp edges.
- ~~15-~~17. Lamps and signals:
- a. All lamps on the exterior of a school bus shall conform to the provisions contained in 49 CFR 393.9 et seq. of the Federal Motor Carrier Safety Regulations, ~~published~~ published October ~~1999~~, 2006 ~~(and no future later amendments or editions)~~ by published at the U.S. Government Printing Office, Superintendent of Documents, Mail Stop: SSOP, Washington, D.C. 20402-9328, incorporated by reference and on file with the Department and the Office of the Secretary of State.
- b. Interior lamps shall be provided that illuminate the center aisle and step well.
- c. Alternately flashing signal lamps:
- i. When a school bus is equipped with a ~~4-lamp~~ four-lamp system, the system shall consist of two red alternately flashing signal lamps located one on the left and one on the right above the rear windows of the school bus and two red alternately flashing signal lamps located one on the left and one on the right above the windshield.
- ii. When a school bus is equipped with an ~~8-lamp~~ eight-lamp system, the four red alternately flashing signal lamps shall be installed as described in subsection (14)(c)(i) and the four amber alternately flashing signal lamps shall be installed as follows: one amber alternately flashing signal lamp shall be located adjacent to each red alternately flashing signal lamp, at the same level, but closer to the vertical centerline of the school bus. The system of red and amber alternately flashing signal lamps shall be wired so the amber alternately flashing signal lamps are activated manually and the red alternately flashing signal lamps are activated automatically or manually.
- ~~iii. The area around the lens of each alternately flashing signal lamp, and extending outward for 3 inches, shall be painted black.~~
- ~~iv-iii.~~ Except for LED lamps, Each each alternately flashing signal lamp shall be covered by a lamp hood.
- d. Turn signal and stop lamps:
- i. Except as provided in subsections (17)(d)(iii) and (17)(d)(iv), all school buses shall be equipped with amber side-mounted turn signals. The turn signal lamp on the left side of the bus may be mounted rearward of the stop signal arm and the turn signal lamp on the right side may be mounted rearward of the entrance door.
- ~~i-ii.~~ Except on Type A school buses, a school bus body shall be equipped with rear turn signal lamps that are at least 7 inches in diameter, or if the lamp shape is other than round, a minimum of 38 square inches of illuminated area. The lens area of the rear turn signal lamps on Type A school buses shall be at least 21 sq. inches. The rear turn signal lamps shall be connected to the hazard warning switch located in the driver's compartment to allow the school bus driver to activate simultaneous flashing of turn signal lamps when needed as a traffic hazard warning. The rear turn signal lamps shall be located to the far left and right sides of the flat surface of the rear of the school bus body and below the rear window.
- ~~ii-iii.~~ A Type C school bus shall may have a double-faced turn signal lamp that is visible from the front and rear of the school bus and mounted on the tops or sides of both front fenders or shall may have a turn signal lamp mounted on the left and right sides of the grill and may have a turn signal lamp mounted on each side of the school bus body between the window line and the second rub rail and forward of the vertical centerline.
- ~~iii-iv.~~ A Type D school bus shall may have a turn signal lamp mounted at the front of the school bus body above each head lamp and may have a turn signal lamp mounted on each side of the school bus body between the window line and second rub rails and forward of the vertical centerline of the school bus.
- ~~iv-v.~~ A 7 in. diameter stop lamp, or if the lamp shape is other than round, a stop lamp with a minimum of 38 square inches of illuminated area shall be located toward the centerline and adjacent to each of the rear turn signal lamps.
- e. Backup lamps: A school bus shall be equipped with two backup lamps with clear lenses, located one on the right and one on the left rear panels below the rear windows.
- f. White flashing strobe lamp: If used on a school bus, a strobe lamp shall have a single clear lens that emits light 360 degrees around its vertical axis and shall be located on the longitudinal centerline of the school bus roof 1/3 to 1/2 of the distance forward from the rear of the school bus body unless this placement restricts the view of the strobe lamp.
- i. If the view of the strobe lamp is restricted when the strobe lamp is located 1/3 to 1/2 of the distance forward from the rear of the school bus body, the strobe lamp may be mounted immediately to the rear of the roof hatch.
- ii. The strobe lamp shall be controlled by a manual switch located in the driver's compartment.
- iii. A pilot lamp shall be located in the driver's compartment to show the school bus driver that the strobe lamp is activated.

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~~16-18.~~ Mirrors:

- a. Interior mirror: The interior mirror shall be made of either laminated glass or glass bonded to a backing that will retain the glass in the event of breakage. The interior mirror in Types B, C, and D school buses shall be a minimum of 6 inches in height and 30 inches in length surrounded by a frame with rounded corners. The interior mirror in Type A buses shall be a minimum of 6 inches in height and 16 inches in length.
- b. Exterior mirrors: A school bus shall comply with the requirements contained in 49 CFR 571.111, as amended October 1999 2006 (and no future later amendments or editions), published at the U. S. Government Printing Office, Superintendent of Documents, Mail Stop: SSOP, Washington, D. C. 20402-9328, incorporated by reference and on file with the Department and the Office of the Secretary of State.

~~19.~~ Noise suppression switch: A school bus shall be equipped with a manual noise suppression switch. Identification shall be provided on or adjacent to the switch, in order to clearly state its purpose and distinguish it from other controls. This switch shall be an on-off type that deactivates body equipment that produces noise, including, at least, the AM-FM radio, heaters, air conditioners, fans, and defrosters. This switch shall not deactivate safety systems, such as windshield wipers or lighting systems.

~~17-20.~~ Overall length: The overall length of a school bus shall not exceed ~~40~~ 45 feet ~~excluding mirrors~~ including accessories.

~~18-21.~~ Overall width: The overall width of a school bus shall not exceed 102 inches excluding mirrors.

~~19-22.~~ Rear bumper:

- a. The rear bumper shall be made of a minimum of 3/16 in. thick pressed steel that is a minimum of 8 inches in total height.
- b. The rear bumper shall be wrapped around the back corners of the bus and shall extend toward the front of the school bus for at least 12 inches as measured from the rear-most point of the school bus body at the floor line.
- c. The rear bumper shall be attached to the chassis frame and braced to support the rear corners of the bumper.
- d. The rear bumper shall extend at least 1 in. beyond the rear-most part of the school bus body as measured at the floor line.
- e. The rear bumper shall not be equipped with footholds or handles.
- f. A Type A school bus equipped with the chassis manufacturer's rear bumper is exempt from subsections ~~(18)(a)~~ (22)(a) through ~~(18)(e)~~ (22)(c).

~~20-23.~~ Restraining barrier:

- a. The restraining barrier shall be a minimum of 38 inches high as measured from the interior floor of the school bus to the top of the restraining barrier.
- b. The restraining barrier shall be the same width as the seat directly behind the restraining barrier.

~~21-24.~~ Rub rails:

- a. There shall be no fewer than two rub rails located on a school bus as follows:
 - i. One rub rail shall be located on each side of the school bus approximately at seat cushion level and shall extend from the rear post of the service door frame completely around the school bus body, excluding the emergency door, to the front post of the school bus driver's window.
 - ii. One rub rail shall be located on each side of the school bus approximately at the floor line and shall extend from the rear post of the service door frame to the rear corner post of the school bus body and from the front post of the school bus driver's window to the rear corner post on the driver's side.
- b. Rub rails are not required on emergency doors, special-service entrance door, access panels and compartment doors, and wheel well openings.
- c. Each rub rail shall be attached on the outside of the school bus body at each structural post in the school bus body.
- d. Each rub rail shall be a minimum of 4 inches in width and constructed of corrugated or ribbed 16-gauge steel.

~~22-25.~~ Seat belt for school bus driver: A seat belt for the school bus driver shall be installed in the driver's compartment. The seat belt shall be equipped with a retractor on each side of the school bus driver's seat to keep the seat belt retracted and off the floor when not in use.

~~23-26.~~ Seats:

- a. Each seat shall have a minimum depth of 15 inches measured from the front of the seat cushion to the seat back.
- b. Each seat shall be a minimum of 38 inches in height measured from the interior floor of the school bus to the top of the back cushion.
- e. ~~The distance between seats for the legs of passengers shall be 9" to 14" measured from the center back at seat cushion level of the first seat to the center front of the seat cushion of the seat immediately behind the first seat.~~
- c. Seat spacing shall meet the requirements of 49 CFR 571.222, October 2006 (no later amendments or editions), published at the U.S. Government Printing Office, Superintendent of Documents, Mail Stop: SSOP, Washington, D. C. 20402-9328, incorporated by reference and on file with the Department. Seat spacing shall not be less than 24 inches between the front of a seat back cushion to the back surface of the cushion on the preceding seat. Seat spacing shall be measured at cushion height, at the center of the seat, on a plane parallel to the center line of the

bus. The seat upholstery may be placed against the seat cushion padding, but without compressing the padding, before measurement is taken.

- d. The school bus driver's seat shall be adjustable, without the use of tools, both vertically and horizontally for a minimum of 4 inches. Seats with vertical adjustments are not required on Types A and B school buses.

24-27. Service door:

- a. The service door shall be located on the right side of the school bus opposite the school bus driver and within direct view of the school bus driver when seated in the school bus driver's seat. Types A and B school buses are exempt from this provision.
- b. The service door shall have a minimum horizontal opening of 24 inches and a minimum vertical opening of 68 inches. Type A school buses shall have a service door with a minimum opening of 1200 sq. inches.
- c. Windows in the upper and lower panels of the service door shall be made of safety glass. The bottom of each lower window panel shall be no more than 10 inches from the top surface of the lower step of the service entrance. The top of each upper window panel shall be no more than 6 inches below the top of the service door. Type A buses are exempt from this provision.
- d. To protect passengers' fingers, a flexible rubber material shall be attached by number 10 3/4 in. metal screws to the opening and closing edges of the service door. Type A school buses are exempt from this provision.
- e. The service door shall open towards the exterior of the school bus. A Type A school bus is exempt from this provision if the service door is provided by the school bus chassis manufacturer.
- f. A header pad, filled with a material to protect against injury, shall be attached to the top edge of the frame of the service door. The header pad shall be at least 3 inches wide and 1 in. thick and extend the full width of the service entrance.
- g. A Type A school bus with the chassis manufacturer's standard service entrance is exempt from subsections (27)(a) through (27)(d).

25-28. Steps:

- a. The risers of the steps in the service entrance shall be equal. When plywood is laid over the steel floor of the school bus, the height of the top step may be increased by the thickness of the plywood.
- b. The first step at the service entrance shall be no less than 10 inches and no more than 16 inches from the ground.
- c. Steps shall be enclosed in the school bus body.
- d. Steps shall not extend beyond the side of the school bus body.
- e. A handrail not less than 10 inches in length shall be provided inside the doorway.
- f. A Type A school bus with the chassis manufacturer's standard service entrance is exempt from subsections (24)(a) through (24)(d).

26-29. Step treads:

- a. All steps, including the floor-line platform area, shall be covered with ribbed or non-skid floor-covering material that is mounted on a metal plate.
- b. The metal back of the step tread shall be a minimum 24-gauge cold rolled steel and shall be permanently bonded to the ribbed or non-skid material.
- c. If ribbed material is used, the ribbed design shall run from the risers toward the service entrance. Each step tread shall have a 1 1/2 in. white nosing.

27-30. Stirrup steps: There shall be a handle and at least one folding stirrup step or recessed foothold located on each side of the front of a school bus for accessibility for cleaning the windshield and lamps. Type A school buses are exempt from this provision.

28-31. Stop signal arm:

- a. School buses shall be equipped with a stop signal arm on the left side of the school bus body that extends 90° from the school bus body when opened, shall be installed on the left side of the school bus body.
- b. The stop signal arm shall be either air or electrically driven, and meet the requirements of Standard J1133, November 2004 (no later amendments or editions) published by the Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, PA 15096-0001, incorporated by reference and on file with the Department.
- ~~b.c.~~ The stop signal arm shall be an ~~18-in.~~ 18-inch octagon, constructed of a red material that reflects light, with the word "STOP" printed on both sides in white letters not less than 5 inches high. Additionally, the word "STOP" may be illuminated by a light-emitting diode system on both sides of the stop signal arm.

29-32. Sun shield: An interior adjustable transparent sun shield or visor not less than 6" x 30" with a finished edge shall be installed over the windshield in the driver's compartment. School buses with a gross vehicle weight rating of 10,000 pounds or less are exempt from this provision.

30-33. Tailpipe:

- a. ~~If a rear exhaust is installed, the~~ The tailpipe shall extend to, but not more than 2 inches beyond, the outer edge of the rear bumper; ~~if a side exhaust is installed, the tailpipe shall terminate flush with the outside edge of the school bus body in the rear half of the school bus.~~
- b. The tailpipe shall exit in the rear of the vehicle behind the rear drive axle, and shall be placed according to the

manufacturer's specifications; and

c. The tailpipe shall not exit beneath any fuel filler location or beneath any emergency door.

~~34-34.~~ Undercoating:

a. The entire underside of the school bus body, including floor sections, cross members, member and below-floor-line, and side panels, shall be coated with rust-proofing material for which the material manufacturer has issued to the bus body manufacturer notarized certification that materials meet or exceed all performance and qualitative requirements of paragraph 3.4 of according to the specifications contained in Federal Specification TT-C-520B, Coating Compound, Bituminous, Solvent Type, Underbody (For Motor Vehicles), February 2, 1973 (and no future later amendments or editions), published by the General Services Administration acting as an agent for the Superintendent of Documents, Washington D.C. 20402, and incorporated by reference and on file with the Department and the Office of the Secretary of State. Modified test procedures shall be used for the following requirements:

i. Salt spray resistance – test modified to 5% salt and 1,000 hours.

ii. Abrasion resistance, and

iii. Fire resistance.

b. Test panels shall be prepared in accordance with paragraph 4.6.12 of Federal Specification TT-C-520B, with a modified procedure requiring that the test shall be made on a 48-hour air-cured film at a thickness recommended by the material manufacturer.

~~b.c.~~ Undercoating is not required on the underside of a fiberglass fender if the underside of the school bus is constructed of noncorrosive material.

d. The undercoating material shall be applied with suitable airless or conventional spray equipment to the recommended film thickness and shall show no evidence of voids in the cured film.

~~32-35.~~ Ventilation: An immovable, non-closing exhaust ventilator shall be installed in the school bus roof.

~~33-36.~~ Wheel housing:

a. The wheel-housing opening shall be large enough to allow for the removal of the tire and wheel.

b. The wheel housing shall be constructed of 16-gauge steel or fiberglass of equal strength and sealed to the school bus floor.

c. The wheel housing shall not extend more than 12 inches above the floor inside the school bus body and shall not extend into the emergency door opening.

d. The wheel housing shall provide clearance for tire chains installed on the tires of the driving wheels.

~~34-37.~~ Windows: Each side window in the passenger compartment of a school bus body shall provide an unobstructed opening of at least 190 sq. inches when the window is open.

~~35-38.~~ Windshield washer system: A windshield washer system that provides an application of cleaning solution to the windshield shall be installed.

~~36-39.~~ Windshield wipers:

a. A windshield wiping system with a minimum of two speeds shall be provided.

b. The windshield wipers shall be operated by one or more air or electric motors.

R17-9-108. Inspection, Maintenance, and Alterations

A. A school bus shall be inspected by the Department before the school bus is introduced into Arizona to transport passengers.

1. After inspecting a school bus, the Department shall place a decal that contains a number used by the Department to identify the school bus above the school bus driver's side window in the driver's compartment. This decal shall not be removed from the school bus while it is operated in Arizona except by the Department. Before the school bus is transferred or retired from service, the school bus owner shall contact the Department to have this decal removed.

2. If the Department finds that no major defect exists on a school bus, the Department shall place a safety inspection decal that contains the month and year of inspection on the right side of the centerline of the windshield of the school bus in a position that does not interfere with the school bus driver's line of vision.

3. If the Department finds a major defect on the school bus, the Department shall place the school bus out of service. Before the school bus may be placed back into service, the Department shall reinspect the school bus to determine that the major defect has been corrected. If the major defect has been corrected, the Department shall place a safety inspection decal on the school bus in accordance with subsection (A)(2).

4. If the Department finds a minor defect on a school bus, the Department shall issue an inspection order, but the school bus may be operated to transport passengers while the minor defect is being corrected. A copy of the inspection order shall be returned to the Department within 15 working days from the date of inspection and shall show that the minor defect has been corrected unless, in accordance with the provisions of subsection (A)(5), the school bus owner obtains an extension of time to correct the minor defect.

5. Upon receipt of a written request from the school bus owner, the Department shall grant one or more extensions of time to correct a minor defect if:

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- a. The school bus owner submits to the Department written documentation that the:
 - i. School bus owner's action or inaction did not cause or contribute to the delay in completing the repair;
 - ii. School bus owner has secured a written estimated expedited delivery or completion date from the provider of the materials or services required to complete the repair; and
 - iii. School bus owner made reasonable attempts to secure the materials or services, or materials or services of equivalent quality, at a substantially similar price from alternate sources; and
- b. The Department determines that an extension of time to correct the minor defect will not increase the probability of an accident involving the school bus or passengers or the risk of injury to the school bus driver or passengers.
- 6. Each extension of time shall be for 60 days or less. The Department shall determine the length of each extension of time after giving consideration to the information provided under subsection (A)(5)(a). When the minor defect is corrected, the school bus owner shall return to the Department a copy of the inspection order issued by the Department.
- 7. If a minor defect on a school bus is not corrected within 15 working days or at the end of an extension period, if applicable, the Department shall remove the safety inspection decal and the school bus shall be placed out of service until further inspection by the Department shows that the minor defect is corrected.
- B.** The Department shall use the following criteria to determine whether a major or minor defect is present on a school bus introduced into Arizona on or after February 16, 1996. For a school bus introduced into Arizona before that date, the Department shall determine whether the school bus is in an unsafe condition by using the following criteria or those at A.A.C. R17-4-612. A defect that causes a school bus introduced into Arizona before February 16, 1996 to be in an unsafe condition shall be deemed a major defect as defined in this Article.

INSPECTION ITEM	MAJOR DEFECT	MINOR DEFECT
<u>Air conditioning system, if installed</u>	<u>Missing hose covers or trim panels</u> <u>Missing air conditioning louvres</u> <u>Loose or missing air conditioning mounting fasteners</u> <u>Refrigerant leaks from evaporators or hoses in the interior of the bus</u> <u>Broken compressor brackets</u> <u>Broken mounting bolts</u> <u>Electrical wiring hanging out of evaporator covers</u> <u>Missing evaporator covers</u> <u>Missing air diffusers</u> <u>Evaporators not secured to ceiling or bulkhead</u>	<u>Broken or loose evaporator covers</u> <u>Unsecured refrigerant hoses</u> <u>Loose, missing or severely cracked belts</u>
Alarm, back-up, if installed	Not Working	Low volume Not installed properly Not working
Battery (Types C and D buses only)	Not mounted according to the manufacturer's instructions	Incorrect or no identification
Belt cutter	Missing	
Body fluid cleanup kit	Absence of body fluid cleanup kit Three or more items <u>Any item</u> missing from body fluid cleanup kit	One or two items missing from body fluid cleanup kit

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Brakes, compressed air	Inoperative or missing visual or audible low air signal Compressed-air gauge missing Grease or oil leakage into brake system Exposed or damaged ply on any air hose Air capacity of less than 90 pounds per square inch at idle speed Wet-reservoir valve missing or inoperative Leaking, cracked, or broken hose or connection Audible air leak Pushrod exceeds limitation Low-air warning system does not activate at 55 <u>60</u> psi and remain <u>remains</u> activated at less than 55 <u>60</u> psi	
Brakes, vacuum-assisted	Vacuum gauge missing Inoperative or missing visual or audible low vacuum signal Vacuum reservoir missing Vacuum system leak Grease or oil leakage into brake system Leaking, cracked, or broken hose or connection	
Brakes, hydraulic-assisted	Inoperative or missing visual or audible signal	
Brakes, emergency-brake system	<u>Inoperative</u> Does not activate when service brake system reaches 20 to 45 <u>40</u> pounds per sq. in.	
Bumpers	Break or rip Loose bumper Foothold or handle present on rear bumper	Not painted black
Cooling system		Leak in system Fluid level in radiator not full
<u>Crossing control arm, if installed</u>	<u>Has sharp edges or projections that could injure a student</u> <u>Will not retract</u>	<u>Not working</u> <u>Fails to open completely</u>
Defroster	Inoperative Ventilation opening blocked	
Drive shaft	Absence of protective metal guard installed by the manufacturer around the drive shaft to any driving axle	
Dust boots	Missing, torn, split, or loose around floor-mounted gear shift, parking brake handle, or steering column	
Emergency warning devices	Missing more than 1 <u>Having fewer than two operable</u>	Missing + <u>one</u>
Emergency door	Inoperative latch Broken or missing portion of seal around door Window not of safety glass Inoperative warning device Lock is not the ignition shut-off type	No header pad

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Emergency exit	Inoperative warning device or latch <u>on all emergency exits except roof exit</u> Not properly identified Header pad missing or damaged Broken seal around window	<u>Inoperative roof exit</u>
Engine compartment	Inoperative hood latch	Deterioration of hose, belt, or wiring Deterioration of battery hold-down clamp, corrosive acid build-up on terminal
Exhaust system	Tailpipe terminates beneath the passenger compartment Exhaust leak <u>Exhaust tailpipe extends more than 2 inches beyond the outer edge of the rear bumper or fails to terminate flush with the outside edge of the school bus body in the rear of the school bus</u>	Exhaust tailpipe extends more than 2 inches beyond the outer edge of the rear bumper or fails to terminate flush with the outside edge of the school bus body in the rear half of the school bus Exhaust pipe bracket not attached to the chassis and the tailpipe End of tailpipe pinched or bent
Exterior paint		Exposed metal or base primer Incorrect color
Fire extinguisher	Absence of fire extinguisher Not at full charge	Not mounted in required position
First-aid kit	Absence of first-aid kit Three or more items missing from first-aid kit	One or two items missing from first-aid kit
Frame	Crack in frame Cracked, loose, or missing body mount or body-mount bolt Welded repair not performed by body or chassis manufacturer or manufacturer's certified agent	
Fuel system	Fuel tank not mounted to the chassis frame or not vented to outside of engine compartment Fuel system extends above chassis frame (does not apply to filler tube or Type A bus) Fuel tank bracket cracked or broken Leaking tank or fuel line Fuel line attached to bottom of fuel tank <u>Missing or improper fuel cap</u>	
Handrail	Handrail does not pass the inspection procedure described in R17-9-107(11) <u>R17-9-107(13)</u>	
Heating System	Heater missing or inoperative Inadequate heat producing capacity Heater line in interior of school bus not covered by protective shield Heater nameplate missing No shutoff valve	Unsecured heater hose <u>Inadequate heat-producing capacity</u>
Horn (Air or electrical)	Missing or inoperative	

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Instrument panel	Missing or inoperative ignition power-deactivation switch if the ignition does not use a key: <u>Any inoperative gauge or switch, except auxiliary fan switch</u> <u>Improper illumination</u>	Inoperative gauge or switch <u>Inoperative auxiliary fan switch</u>
Interior, aisles	Incorrect clearance	
Interior seats	Broken, cracked, <u>exposed</u> , or loose seat frame Screw or mounting bolt missing	
Interior, floor covering	Hole <u>Improper material</u> <u>Improperly bonded</u> <u>Loose metal trim</u>	Improper material Improperly bonded
Lamps, clearance	Inoperative Cracked, broken, or missing lens	Incorrect color Dust behind lens
Lamps, head	Low beam inoperative Not mounted as required by 49 CFR 393.24 <u>Both high beams inoperative</u>	One High high beam inoperative Inoperative dimmer switch on a bus not operated when head lamps are required Cracked, broken, or missing lens
Lamps, back-up	<u>Inoperative</u>	Inoperative Incorrect color Cracked, broken, or missing lens Dust behind lens
Lamps, interior Over aisle		Inoperative Cracked, broken, or missing lens
<u>Lamps, interior Over step-well</u>	Inoperative	Cracked, broken, or missing lens
Lamps, turn signal	Inoperative	Cracked, broken, or missing lens Dust behind lens Incorrect size Incorrect location
Lamps, strobe, if installed	Pilot or <u>strobe</u> lamp missing or inoperative <u>Cracked, broken, or missing lens</u> <u>Incorrect color</u> <u>Incorrect location</u>	Inoperative Cracked, broken, or missing lens Incorrect color Incorrect location
Lamps, identification		Inoperative Incorrect color Cracked, broken, or missing lens Dust behind lens
Lamps, hazard	Inoperative	
Lamps, stop	Both inoperative	One inoperative Cracked, broken, or missing lens Dust behind lens
Lamps, tail	Both inoperative	One inoperative Cracked, broken, or missing lens
Lamps, side marker		Inoperative Incorrect color Cracked, broken, or missing lens Dust behind lens

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Lamps, alternately flashing signal	One or more inoperative lamps	Incorrect color Lamp hood missing Cracked, broken, or missing lens Dust behind lens
Lettering and numbering		Missing any lettering or numbering Incorrect size, color, or location Unauthorized sign, letter, or subject
Mirrors, cross-view	Missing Broken or loose mounting Broken or clouded glass	
Mirrors	Interior or exterior mirror missing Loose or broken mounting bracket Crack, break, or flaking of reflective material affixed to back of mirror glass Crack or break of mirror glass Loose or missing mounting bracket bolt or screw <u>Incorrect size</u> <u>Do not meet safety standards contained in 49 CFR 571.111</u>	Incorrect size
Miscellaneous	Object not secured inside the school bus Any item noted by the Department that could cause injury or present a danger to a passenger or school bus driver	Any item noted by the Department that needs to be repaired because it could interfere with the safe operation of the school bus but that is not a major defect
<u>Noise suppression switch</u>	<u>Out of service</u> <u>Malfunctioning</u>	
Parking brake	Inoperative, missing part, or not in proper adjustment	
Restraining barrier	Missing Incorrect size <u>Loose</u>	
Rub rails	Missing more than <u>± one</u> <u>Loose or dangling</u>	Missing <u>± one</u> Incorrect location Incorrect color Incorrect width
School bus body	Damage resulting in cut or rip to the exterior of school bus body Hole that would allow exhaust gases or dust to enter the passenger compartment Bolt attaching body to chassis loose, broken, or missing Exceeds length or width limitations	Absence of undercoating Loose or missing rivet, screw, or bolt
Seatbelt	Absence of driver seat belt or inoperative driver seat belt buckle or retraction system <u>Frayed seat belt material</u>	Frayed seat belt material
Seats	<u>± One</u> or more missing Incorrect size or location Driver seat does not meet requirements for adjustment <u>Loose seat cushions</u> <u>Exposed frame</u>	<u>Torn seat cushions</u>

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<p>Service door</p>	<p>Incomplete closing of door assembly Does not contain safeguards to prevent accidental opening Window not made of safety glass Broken or cracked window panel Inoperative door control Does not open towards exterior of the school bus <u>Scissors or butterfly door prohibited</u> <u>Absence of flexible material on outer edge of service door</u> <u>Absence of header pad</u></p>	<p>Absence of flexible material on outer edge of service door Absence of header pad</p>
<p>Special needs <u>School bus</u></p>	<p>Incorrect location or size of special-service entrance Incorrect size of special-service entrance-door Window not made of safety glass Inoperative pressure switch No safety device in wheelchair lift No restraining barrier on wheelchair-lift platform Fails to provide wheelchair-securement device or anchorage Special-service entrance door does not open towards exterior of school bus (except Type A school bus) Dome light missing or inoperative</p>	<p>Drip molding not installed above the special-service entrance Special-service entrance door not weather-sealed Incorrect color of door material or panel Lacks wheelchair emblem Missing fastening device for special-service entrance door <u>Dome light missing or inoperative</u></p>
<p>Splash guards</p>		<p>Bottom edge of guard is more than 8 inches above the ground Does not cover entire width of single or dual tire Missing splash guard</p>
<p>Steering</p>	<p>Distance of movement not within parameters of R-17-9-106(21)(e) <u>R-17-9-106(22)(c)</u> Steering wheel does not move freely when turning the wheel Missing or cracked steering-wheel ring or bracing from center of steering wheel to steering-wheel ring Steering column not in a fixed position or locking mechanism missing or inoperative on adjustable steering column Steering column mounting bracket cracked or missing Loose or missing mounting bolt in steering gear housing Loose connecting arm on steering gear power source</p>	<p>Leakage of lubricant Power-steering belt cracked, frayed, or slipping Fluid does not fill power steering reservoir to the full level on the dipstick</p>
<p>Steps</p>	<p>Loose or missing grab handle in step-well Missing stirrup step or handle</p>	<p>Incorrect distance between steps Incorrect floor covering</p>
<p>Stop signal arm</p>	<p>Inoperative <u>Any stop arm inoperative</u> Air leak If equipped with a light-emitting diode system, + <u>one</u> or more lights missing Missing <u>any</u> stop arm</p>	<p>Incorrect lettering or color on stop signal arm Incorrect size of stop signal arm</p>

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Sun shield or visor (if required)	Broken, cracked, or missing	Not transparent
Suspension	Broken, damaged, or missing suspension part U-bolt loose, broken, cracked, or missing	Leaking shock absorber Crack or break in shock absorber mounting bracket
Tires	Tires on same axle not of the same size Combination of bias and radial tires Tires vary more than one size between axles Tires not correct size for gross vehicle weight rating of school bus Single rear tire on school bus with gross vehicle weight rating of more than 10,000 pounds Regrooved, recapped, or retreaded tire mounted on a front wheel Tread groove depth less than 4/32 of an inch, measured in a tread groove on a tire on a front wheel Tire is mounted or inflated so it comes in contact with any part of the school bus or other tire Tread groove depth less than 2/32 of an inch, measured in a tread groove on a tire on a rear wheel Bump, knot, or bulge present on any tire Sidewall is cut, worn, or damaged to the extent that ply cord is exposed Separation of tread from tire casing Exposed ply or belting on any tire Flat tire or audible leak from a tire on any wheel If present, spare tire on Type C or D school bus not mounted outside passenger compartment	
Ventilation	Non-closing exhaust ventilator missing	
Wheel housing	Incorrect size or construction of wheel housing or opening	
Wheels	Not correct size for gross vehicle weight rating of school bus Loose or missing lug nut Broken stud bolt Crack or welded repair in wheel assembly	Not painted black
Windows	Not of safety glass Opening too small Cracked or broken Placement of non-transparent material <u>Inoperative latch</u>	Inoperative latch
Windshield	Placement of non-transparent material Crack, chip, or pitting that interferes with the school bus driver's vision	<u>Crack, chip or pitting that does not interfere with the school bus driver's vision</u>
Windshield washer system	Missing	Low or no cleaning solution

Notices of Proposed Rulemaking

Windshield wipers	Inoperative or missing wiper on school bus driver's side <u>Inoperative or missing wiper on side opposite the school bus driver</u>	Inoperative or missing wiper on side opposite the school bus driver Inoperative speed control Split or hardened wiper blade
Wiring	Incorrect color or number coding Wiring circuit not protected by fuse or circuit breaker One or more non-metal grommets missing <u>Electrical wires outside the school bus body improperly secured</u>	Electrical wires outside the school bus body improperly secured

- C. A school bus shall be inspected ~~every 12 months from the month and year stated on the safety inspection decal~~ annually, according to a schedule established by the Department and the standards contained in subsections (A) and (B) and this subsection.
1. If the Department finds a major defect, the Department shall remove the current safety inspection decal and replace with a new safety inspection decal only after the major defect is repaired.
 2. If the Department finds a minor defect, the Department shall remove the current safety inspection decal and replace with a new safety inspection decal and allow the school bus owner to make repairs in accordance with the provisions at A.A.C. R17-9-108(A)(4) through (A)(7).
- D. A school bus driver shall ~~conduct~~ perform the following operations checks ~~and tasks on the of a~~ school bus:
1. Before a school bus is operated for the first time each day, conduct a pre-trip operations check of the school bus to determine that the following are operational and are not damaged:
 - a. All lamps, including alternately flashing, back-up, clearance, hazard, head, identification, interior, side marker, stop, tail, turn signal, and strobe lamps, if any, and emergency warning devices;
 - b. Tires, wheels, and wheel fasteners;
 - c. Service door;
 - d. Steps and step wells;
 - e. Emergency exits and signals;
 - f. Emergency doors and signals;
 - g. Wheelchair lift and wheelchair lift dome lamp;
 - h. Wheelchair-securement devices;
 - i. Wheelchair-securement anchorages;
 - j. Special-service entrance door;
 - k. Special-service entrance door signal;
 - l. Windows;
 - m. Windshield;
 - n. Windshield wipers;
 - o. Instrument panel and gauges;
 - p. Service brakes;
 - q. Service brake warning devices;
 - r. Parking brake;
 - s. Bumpers;
 - t. Seats and seat frames;
 - u. Floor coverings;
 - v. School bus body;
 - w. Engine fluid levels;
 - x. Engine compartment steering components;
 - y. Stop arm;
 - z. Horn;
 - aa. Mirrors; ~~and~~
 - bb. Engine fluid gauges;
 - cc. Noise suppression switch;
 - dd. Child alert notification system, if installed;
 - ee. Crossing control arm, if installed; and
 - ff. Air conditioning system, if installed.
 2. Each time a pre-trip operations check of a school bus is conducted, check all emergency equipment to determine that the emergency equipment complies with the standards at A.A.C. ~~R17-9-107(9)~~ R17-9-107(11) and R17-9-110.

3. Each time a school bus is operated subsequent to the first time the school bus is operated each day, conduct a walk-around operations check to determine whether there is an obvious engine fluid leak and the following are operational and are not damaged:
 - a. All lamps listed in subsection (D)(1)(a);
 - b. Tires, wheels, and wheel fasteners;
 - c. Bumpers;
 - d. School bus body;
 - e. Windows;
 - f. Stop arm; and
 - g. Windshield.
 4. ~~After a school bus makes its final trip on each day or before the school bus makes its first trip on each day~~ Once daily, sweep and clean the interior of the school bus.
 5. After completing each operations check, the school bus driver shall complete the portions of a written monthly operations check report that provide the following information:
 - a. Date and time of the operations check,
 - b. Name of the school bus driver conducting the operations check,
 - c. Name of the employer,
 - d. Number assigned to the school bus by the school bus owner and painted on the outside of the school bus body, and
 - e. Indication of whether an item is operational, inoperative, or damaged.
 6. A school bus driver who performs an operations check and finds any item listed in subsections (D)(1) through (D)(3) inoperative or damaged shall immediately complete and submit a written repair order to the school bus owner through the employer.
 - a. The school bus owner shall use the standards contained in subsection (B) to determine whether an item reported on a repair order as inoperative or damaged is a major or minor defect.
 - b. If the school bus owner finds that a major defect exists, the school bus owner shall place the school bus out of service until the major defect is repaired.
 - c. If the school bus owner finds that a minor defect exists, the school bus may be used to transport passengers, but the school bus owner shall repair the defect in accordance with the provisions at A.A.C. R17-9-108(A)(4) through(A)(7). Time in which to make the minor repair shall be calculated from the date of the written repair order.
 7. After a school bus makes its final trip on the last day the school bus is driven in a particular month the school bus driver operating the school bus shall submit the written monthly operations check report to the school bus owner through the employer.
- E.** In addition to the operations checks described in subsection (D), a school bus owner shall systematically inspect, repair, and maintain, or cause to be systematically inspected, repaired, and maintained, all parts of a school bus chassis and body described in Sections R17-9-106 and R17-9-107 and any other parts and accessories that may affect safe operation of the school bus. The school bus owner shall ensure that the maintenance of a school bus and repair of major defects is done by:
1. An ASE-certified technician,
 2. An individual working under the supervision of an ASE-certified master school bus technician,
 3. An individual with at least one year of participation in a school bus manufacturer-sponsored or commercial vehicle maintenance training program, or
 4. An individual with at least one year of experience as a school bus mechanic.
- F.** Records
1. A school bus owner shall maintain the following records in a separate file for each school bus for as long as the school bus is in operation in Arizona:
 - a. Number assigned to the school bus by the school bus owner,
 - b. Name of the school bus body manufacturer,
 - c. Name of the school bus chassis manufacturer,
 - d. Identification number of the school bus located in the driver's compartment,
 - e. Year the school bus body was assembled upon the school bus chassis, and
 - f. Size of the tires placed on the school bus.
 2. A school bus owner shall maintain all records of initial inspection, subsequent inspections, and repairs and maintenance procedures performed on the school bus for three years from the date of inspection, repair, or maintenance. The school bus owner shall ensure that all records of repairs and maintenance procedures include verification from the owner of the business responsible for the repairs and maintenance procedures that the individual who actually performs the repairs and maintenance procedures is qualified under subsection (E).
 3. If a school bus is sold, the school bus owner shall transfer the records required by subsections (F)(1) and (F)(2) to the purchaser.

4. A school bus owner shall maintain monthly operations check reports for three months from the date of the report.

G. Alterations

1. Before a school bus owner alters a school bus, the school bus owner shall submit a request in writing to the Department describing the proposed alteration and the reason for the proposal.
2. Within 60 days of receiving a request for alteration, the Department shall inform the school bus owner in writing whether the request has been approved or denied. The Department shall base its decision to approve or deny on an assessment of whether the proposed alteration affects the operations of a school bus, complies with the statutes and rules applicable to school buses, or affects the health, safety, or welfare of any individual.

R17-9-110. First-aid Equipment

No later than 180 days after the effective date of these rules, a school bus in Arizona shall meet the requirements of this Section.

1. First-aid and body-fluid cleanup kits shall be mounted in a school bus in accordance with ~~R17-9-107(9)(a)~~ R17-9-107(11)(a).
2. First-aid kit: A school bus shall be equipped with a removable first-aid kit that has a weatherproofing seal around the lid to prevent moisture or dust from entering the first-aid kit, is clearly labeled as a first-aid kit, and contains the following:
 - a. ~~2~~ Two – 1" x 2 1/2" yards adhesive tape rolls,
 - b. 24 – Sterile gauze pads 3" x 3",
 - c. ~~8~~ Eight – 2" ~~bandage compresses~~ adhesive bandages,
 - d. ~~10~~ – ~~3"~~ bandage compresses adhesive bandages,
 - e. ~~2~~ Two – 2" x 6" sterile gauze roller bandages,
 - f. ~~4~~ Four – Triangular bandages approximately 40" x 36" x 54" with two safety pins,
 - g. ~~3~~ Three – Sterile gauze pads at least 24" x 24",
 - h. ~~3~~ Three – Sterile eye pads,
 - i. ~~1~~ One – Rounded-end scissors,
 - j. ~~1~~ One – Pair of non-latex gloves, and
 - k. ~~1~~ One – Mouth-to-mouth airway.
3. Body fluid or bloodborne-pathogen cleanup kit: A school bus shall be equipped with a removable body-fluid or bloodborne-pathogen cleanup kit that is sealed, clearly labeled as a body-fluid or bloodborne-pathogen cleanup kit, and contains the following:
 - a. ~~1~~ One – Pouch of solidifier with chlorine,
 - b. ~~1~~ One – Pick-up scoop with scraper,
 - c. ~~1~~ One – Pair of non-latex gloves,
 - d. ~~2~~ Two – Disinfectant hand wipes (antimicrobial),
 - e. ~~2~~ Two – Plastic disposal bags with ties (biohazard),
 - f. ~~2~~ Two – Germicidal towelettes effective against human immuno-deficiency virus and tuberculosis,
 - g. ~~2~~ Two – Paper crepe towels, and
 - h. ~~1~~ One – Easy-to-follow instructions.